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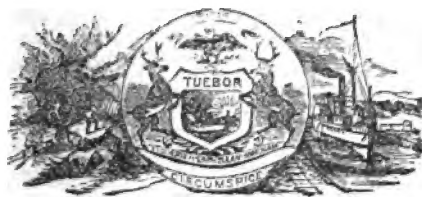
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1877

PUBLIC ACTS
AND
JOINT AND CONCURRENT RESOLUTIONS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,
PASSED AT THE
REGULAR SESSION OF 1877,
WITH AN APPENDIX.



BY AUTHORITY.

LANSING:
W. S. GEORGE & CO., STATE PRINTERS AND BINDERS.
1877.



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PUBLIC ACTS, 1877.

[No. 1.]

AN ACT making a special appropriation for the "State House of Correction" at Ionia.

SECTION 1. *The People of the State of Michigan enact*, That the Auditor General is hereby authorized to draw his warrant upon the State Treasurer, to be paid out of the general fund, for such sums of money as may be necessary to enable the commissioners of the "State House of Correction" at Ionia, to proceed with the work of steam heating, and to provide for necessary incidental expenditures; such sums not to exceed twenty thousand dollars.

Appropriation for steam heating and incidental expenses.

SEC. 2. No warrant under this appropriation shall be drawn by the Auditor General, except as provided for by act number ninety-six of the session laws of eighteen hundred and seventy-five, entitled "An act providing for the location, establishment, and organization of a 'State House of Correction' and making provisions therefor," approved April twenty-two, eighteen hundred and seventy-five.

Warrant, how drawn.

SEC. 3. This act shall take immediate effect.
Approved January 13, 1877.

[No. 2.]

AN ACT to amend section twenty-eight of chapter one hundred and seventy-two of the compiled laws of eighteen hundred and seventy-one, being compiler's section four thousand eight hundred and thirty-seven, relative to guardians and wards.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-eight, of chapter one hundred and seventy-two, of the compiled laws of eighteen hundred and seventy-one, being compiler's section four thousand eight hundred and thirty-seven, relative to guardians and wards, be so amended as to read as follows:

Section amended.

(4837). SEC. 28. The marriage of any female who is under guardianship, as a minor, shall terminate such guardianship as to the guardian's care and custody of the person of his ward; but such guardian shall continue the management of all the estate of

Marriage of female ward terminates guardianship of person, but not of estate.

Infant married
women, appoint-
ment of guardi-
ans of.

his ward until she shall arrive at the age of twenty-one years, unless he shall be sooner discharged by the judge of probate; and the guardian of any minor, spendthrift, insane, or other person, may be discharged by the judge of probate, when it shall appear to him, on application of the ward, or otherwise, that such guardianship is no longer necessary. And the probate court shall have power to appoint guardians of infant married women on proper application therefor.

Approved January 24, 1877.

[No. 3.]

AN ACT to provide for the compilation, printing and distribution of the laws relative to the support of poor persons.

Laws relative to
poor persons,
publication of.

SECTION 1. *The People of the State of Michigan enact*, That the Secretary of State is hereby required and directed, as soon as practicable after the adjournment of this Legislature, to compile and publish in pamphlet form all [of] the laws of this State now in force relating to the support of poor persons, and forward to each county a sufficient number of copies to furnish one copy to each of the following named officers: Judge of probate, superintendents of the poor, supervisors, director or overseer of the poor, and prosecuting attorney.

Distribution of.

Approved January 24, 1877.

[No. 4.]

AN ACT to amend an act entitled "An act making appropriations for the heating and ventilating apparatus for the new capitol, and for improvements in said building," approved February eighteenth, eighteen hundred and seventy-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four of an act entitled "An act making appropriations for the heating and ventilating apparatus for the new capitol, and for improvements in said building," approved February eighteenth, eighteen hundred and seventy-five, be and the same is hereby amended so as to read as follows:

Auditor General
to advance from
general fund.

SEC. 4. Should any portion of the amounts appropriated by sections one and two of this act be required by the board of State Building Commissioners before the same shall be collected and placed to the credit of the State building fund, the Auditor General is hereby authorized to advance the amount so required from the general fund, the amount so advanced to be returned to the general fund when the same shall have been collected.

SEC. 2. This act shall take immediate effect.

Approved January 26, 1877.

[No. 5.]

AN ACT to amend section six thousand four hundred and four of the compiled laws of eighteen hundred and seventy-one, being section eight, of chapter two hundred and one, relative to proceedings against debtors by attachment.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section six thousand four hundred and four of the compiled laws of eighteen hundred and seventy-one, being section eight of chapter two hundred and one, relative to proceedings against debtors by attachment, be and the same is hereby amended so as to read as follows :

(6404.) SEC. 8. In attaching real estate, or any right or interest in land, it shall not be necessary that the officer should enter upon the land or be within view of it; and in attaching shares of stock, or the interest of a stockholder in any corporation organized under the laws of this State, the levy shall be made in the manner provided by law for the seizure of such property on execution. Not necessary to enter on land. How interest of stockholders in corporation attached.

Approved February 7, 1877.

[No. 6.]

AN ACT to define the powers of notaries in certain cases.

SECTION 1. *The People of the State of Michigan enact, That*
 it shall not be lawful for notaries public who are attorneys and counselors at law, or solicitors in chancery, to administer oaths in causes in which they may be professionally engaged.

Approved February 7, 1877.

[No. 7.]

AN ACT to amend section four thousand eight hundred and nineteen of the compiled laws of eighteen hundred and seventy-one, being section ten of chapter one hundred and seventy-two relative to testamentary guardians.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section four thousand eight hundred and nineteen of the compiled laws of eighteen hundred and seventy-one, being section ten of chapter one hundred and seventy-two, be and the same is hereby amended so as to read as follows :

(4819.) SEC. 10. Every father may, by his last will in writing, appoint a guardian or guardians for any of his children, whether born at the time of making the will or afterwards, to continue during the minority of the child, or for any less time, and every such testamentary guardian shall have the same powers, and shall perform the same duties with regard to the person and estate of the ward, as a guardian appointed by the judge of probate: *Provided,* Guardian, appointment of by will.

To be approved
by judge of probate.

That when the mother of such children shall survive the father, the appointment of guardian by such will shall not be operative until approved by the judge of probate, and after opportunity afforded to the mother to show cause in opposition thereto. An appeal shall lie from the order of approval of the judge of probate, as in the case of other orders and decrees of the probate court.

Appeal.

Approved February 7, 1877.

[No. 8.]

AN ACT to amend section sixty-one of chapter twenty-one, being section one thousand and twenty-seven of the compiled laws of eighteen hundred and seventy-one, relative to the assessment and collection of taxes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section sixty-one of chapter twenty-one, being section one thousand and twenty-seven of the compiled laws of eighteen hundred and seventy-one, relative to the assessment and collection of taxes, be amended so as to read as follows :

When supervisor
to deliver up roll
and warrant to
sheriff.

(1027.) SEC. 61. In case the township treasurer shall neglect or refuse to file his bond with the county treasurer, in the manner and within the time prescribed by law, and the township board shall fail to appoint a treasurer who shall give such bond and deliver a receipt for the same to the supervisor by the tenth day of December, the supervisor shall deliver the tax roll and warrant to the sheriff of the county, who shall by himself or his deputy, before he receives said tax roll, execute and deliver the bonds required of the township treasurer, and make like collections and returns, and shall be entitled to the same compensation allowed to the township treasurers on all taxes so handed over to him for collection, and, for the purpose of collecting the same, shall be vested with all the powers conferred upon the township treasurer.

Powers and
duties of sheriff.

Approved February 7, 1877.

[No. 9.]

AN ACT to authorize the appointment of a Commissioner of Mineral Statistics, and defining the duties and compensation of the same.

Commissioner,
appointment of.

SECTION 1. *The People of the State of Michigan enact, That* it shall be the duty of the Governor of the State of Michigan to appoint, by and with the consent of the Senate, a Commissioner of Mineral Statistics for the State; whose duty it shall be to make an annual report to the Governor, setting forth in detail the mineral statistics for the year; with the progress and development of its mining and smelting industries.

To make annual
report to Gov.
error.

SEC. 2. It shall further be the duty of such Commissioner to

make such geological and other surveys as are needed for fully carrying out the purposes of this act; to observe, and to record by maps and plans, when necessary, especial facts which may be developed in the progress of mining and exploration.

To make surveys, to record maps, etc.

SEC. 3. And it shall also be his duty to collect each year, typical suites of specimens of the copper, iron, and other ores, and rocks from the Archæan formations, not less than ten in number, of the State; and examine them microscopically; to name and classify them; showing by geological sections their stratigraphical positions. Such collections to be at the disposal of the State Board of Education, to be distributed among the educational institutions of the State.

To collect specimens of ores, rocks, etc.

Collection, how distributed.

SEC. 4. That an annual appropriation of fifteen hundred dollars be made, which sum shall cover the compensation and expenses of said Commissioner, and for all surveys and explorations made by him or under his directions; and also include the cost of publication, under his direction and control, of one thousand copies of his report.

Annual appropriation.

SEC. 5. This act shall take immediate effect.

Approved February 8, 1877.

[No. 10.]

AN ACT to provide for the purchase of books for the State Library.

SECTION 1. *The People of the State of Michigan enact*, That the sum of one thousand five hundred dollars for each of the years one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy-eight be, and the same is hereby appropriated out of any money in the State Treasury to the credit of the general fund not otherwise appropriated, for the purchase of books for the State Library.

Appropriation.

SEC. 2. The money so appropriated shall be drawn from the State Treasury upon the warrant of the Auditor General, and shall be expended by the State Librarian with the advice and consent of the Governor, for the purpose aforesaid.

How drawn.

Approved February 10, 1877.

NOTE.—This act given immediate effect by Joint Resolution approved March 10th, 1877.

[No. 11.]

AN ACT to prohibit any person from obstructing the regular operation and conduct of the business of railroad companies or other corporations, firms or individuals.

SECTION 1. *The People of the State of Michigan enact*, If any person or persons shall willfully and maliciously by any act, or by means of intimidation, impede or obstruct, except by due process of law, the regular operation and conduct of the business of any rail-

Obstructing business of railroad companies, etc., penalty for.

road company or other corporation, firm or individual in this State, or of the regular running of any locomotive engine, freight, or passenger train of any such company, or the labor and business of any such corporation, firm or individual, he or they shall, on conviction thereof, be punished by imprisonment in the county jail not more than three months; or in the State Prison for a period not exceeding one year.

Conspiring to obstruct, penalty for.

SEC. 2. If two or more persons shall willfully and maliciously combine, or conspire together, to obstruct or impede, by any act or by means of intimidation, the regular operation and conduct of the business of any railroad company or any other corporation, firm, or individual in this State, or to impede, hinder, or obstruct, except by due process of law, the regular running of any locomotive engine, freight or passenger train, on any railroad, or the labor and business of any such corporation, firm, or individual, such persons shall, on conviction thereof, be punished by imprisonment in the county jail for a period not more than three months, or in the State Prison for a period not exceeding two years.

Act not to apply to persons voluntarily quitting employment.

SEC. 3. This act shall not be construed to apply to cases of persons voluntarily quitting the employment of any railroad company or such other corporation, firm, or individual, whether by concert of action or otherwise.

Approved February 14, 1877.

[No. 12.]

AN ACT to regulate the sale of seats in theatres, concert, or lecture halls, and other places of public entertainment.

Theatres, concert halls, etc., marking of seats in regulated.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for the proprietor, lessee or manager of any theatre, concert or lecture hall, or other place of public entertainment, to mark, or cause to be marked, any seat, or seats in any theatre, concert, or lecture hall, or other place of public entertainment, as sold, reserved, or taken, unless the seat or seats so marked or designated shall have been actually sold as reserved, at least one hour prior to the time of beginning each performance, or entertainment, in said theatre, concert, or lecture hall, or place of public entertainment, and the purchase of reserved seats for the purpose of selling them is hereby prohibited.

Penalty.

SEC. 2. Any proprietor, lessee, or manager, or other person, who shall violate the provisions of the preceding section, shall on conviction thereof, be fined not less than one dollar and not more than five dollars, for every seat so marked, designated or purchased.

Approved February 14, 1877.

[No. 13.]

AN ACT to amend sections one hundred and forty-four and one hundred and forty-five of chapter one hundred and seventy-six, being sections five thousand one hundred and eighty and five thousand one hundred and eighty-one of the compiled laws of eighteen hundred and seventy-one, relative to the courts of chancery.

SECTION 1. *The People of the State of Michigan enact*, That sections one hundred and forty-four and one hundred and forty-five of chapter one hundred and seventy-six, being sections five thousand one hundred and eighty and five thousand one hundred and eighty-one of the compiled laws of eighteen hundred and seventy-one, relative to the courts of chancery, be so amended as to read as follows:

(5180.) Sec. 144. Such appeal shall be claimed by a written claim, delivered or transmitted within forty days from entry of such decree or final order, to the register of the court where such decree or order was entered, which said register shall make entry of, and the appellant shall, within said forty days, file with said register a bond to the appellee or appellees, with sufficient sureties, approved by a circuit judge or circuit court commissioner of said county, and with such penalty as such judge or commissioner shall approve, conditioned for the performance or satisfaction of the decree or final order of the Supreme Court in the cause, and payment of all costs of the appellee or appellees in the matter of appeal: *Provided*, That the motion for such approval shall be on a notice of six days, to the appellee or appellees, said notice to contain the penalty and the names of the sureties of the proposed bond; and on the hearing of such motion such appellee or appellees shall be heard as to the sufficiency of the penalty named and the pecuniary responsibility of the sureties proposed to such bond: *And provided further*, That in case of such motion being before a circuit court commissioner, the circuit court or the judge at chambers of the court in which such decree or final order is entered may, on special motion, order an additional bond and fix the penalty thereof and approve the sureties thereto on proper showing: *And provided further*, That the Supreme Court, or the circuit judge of the county where such decree or final order was made, shall, on special motion, and such proper showing, have power, after such appeal is perfected, to order an additional bond, and to fix the penalty thereof, and approve the sureties thereto, or to refer such approval to a circuit court commissioner of the county in which the cause shall have been pending.

(5181.) Sec. 145. Upon the entering of such appeal, and the filing of such bond, as directed in the preceding section, all proceedings in the cause, in the circuit court in chancery, shall be stayed, except taxation of costs and proceedings in relation to an additional bond, provided for in said section, until otherwise ordered by the Supreme Court; but, if the appeal shall not be claimed, and such original bond filed within the time above limited therefor, no appeal shall be allowed: *Provided*, That in such case the court in which such

Sections amended.

Appeal to be claimed in writing—limit of time, etc.

Bond of appellant to be approved.

Notice of motion, for approval.

Additional bonds.

On entry of appeal, etc., proceedings stayed.

Proviso.

cáuse shall have been heard, or the judge thereof at chambers, shall have power on special motion, and a proper showing, to grant an extension of not over forty days for taking and perfecting such appeal, and not over forty days for the return of such appeal.

Approved February 20, 1877.

[No. 14.]

AN ACT to repeal section one of chapter ten of Act No. LXII. of the session laws of eighteen hundred and seventy-five.

Section repealed.

SECTION 1. *The People of the State of Michigan enact, That* section one of chapter ten of act number sixty-two of the session laws of eighteen hundred and seventy-five, being an act entitled “An act granting and defining the powers and duties of incorporated villages,” approved April first, eighteen hundred and seventy-five, be and the same is hereby repealed.

SEC. 2. This act shall take immediate effect.

Approved February 20, 1877.

[No. 15.]

AN ACT to amend section two of act number fifteen of the session laws of eighteen hundred and seventy-five, approved February twenty-five, eighteen hundred and seventy-five, entitled “An act for the protection of inn and hotel keepers,” so that the provisions of the act shall apply to private house and boarding house keepers.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section number two of act number fifteen of the session laws of eighteen hundred and seventy-five, approved February twenty-five, eighteen hundred and seventy-five, being an act entitled “An act for the protection of inn and hotel keepers,” be so amended as to read as follows :

Punishment for obtaining food, credit, etc., with intent to defraud.

SEC. 2. Every person who shall at any hotel, inn, boarding house, or private house, order or cause to be furnished any food or accommodation with intent to defraud the owner or proprietor of such hotel, inn, boarding or private house out of the value of such food, or accommodation, and every person who shall obtain credit at any hotel, inn, boarding house or private house, by the use of any false pretense or device, and any person who, after obtaining credit, or accommodation at any hotel, inn, boarding house, or private house, shall surreptitiously remove his baggage or property therefrom with intent to defraud the owner, or keeper thereof, shall, upon conviction, be adjudged guilty of a misdemeanor; and on conviction thereof shall be punished by imprisonment in the county jail not exceeding ninety days or by fine not exceeding one hundred dollars, or by both such fine and imprisonment in the discretion of the court.

Approved February 20, 1877.

[No. 16.]

AN ACT to amend section forty-five of chapter one hundred and fifty, being section four thousand two hundred and forty-seven of the compiled laws of eighteen hundred and seventy-one, relative to "alienation by deed and the proof and recording of conveyances and the canceling of mortgages."

SECTION 1. *The People of the State of Michigan enact*, That section forty-five of chapter one hundred and fifty, being section four thousand two hundred and forty-seven of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

(4247.) SEC. 45. Any person whose lands are incumbered by a mortgage duly recorded, that has been paid and satisfied, may present a petition to the circuit court for the county in which such lands so incumbered are situated, duly verified by the oath of said petitioner, stating the facts in regard to said payment, and also that the present residence or whereabouts of the mortgagee or his assigns, if the same shall have been assigned, is unknown to the said petitioner, and that he has been unable to ascertain the same after diligent search and inquiry; or stating that the mortgagee or the assignee, if the same has been assigned, is deceased; and that at least three months have elapsed since the death of the deceased, and that the names and residence of the legal representatives, if any there are, of the mortgagee or assignee, are unknown to the petitioner; and that he has been unable to ascertain the same, after diligent search and inquiry. He shall also set up in said petition the names of mortgagor and mortgagee, the date of said mortgage, the liber and page of the record thereof. Upon the presentation of said petition the said court may proceed to hear and determine the truth of the matters therein stated; and if it shall be made to appear to said court, either by the production in evidence of the original mortgage, or of the bond or notes accompanying the same, provided said mortgage was collateral security for the payment of a bond or notes, and proving to the satisfaction of said court that such mortgage, or bond, or notes came into the possession of the said petitioner by payment in full both of principal and the interest thereon to the time of such payment, by competent evidence, the court shall make a certificate to that effect, setting forth therein the names of the witnesses and the nature of the evidence by which such facts have been made to appear, and a minute thereof shall be entered in the journal of said court, and such certificate signed by the judge of said court, and attested by the clerk thereof under the seal of said court, shall be delivered to said petitioner.

Section amended.

Mortgagor's petition to circuit court.

If proofs are satisfactory court to deliver petitioner an attested certificate.

Approved February 24, 1877.

[No. 17.]

AN ACT to provide for the incorporation of lodges of Knights of Pythias.

Who may incorporate under this act.

SECTION 1. *The People of the State of Michigan enact, That* the Grand Lodge and subordinate lodges of Knights of Pythias of the State of Michigan may be incorporated in pursuance of the provisions of this act.

Incorporation by members of the Grand Lodge of the Knights of Pythias.
Articles of association.

SEC. 2. Any ten or more persons, residents of this State, being members of the Grand Lodge of the Knights of Pythias of the State of Michigan, desirous to become incorporated, may make and execute articles of association, under their hands and seals, which articles of association shall be acknowledged before some officer authorized by law to take acknowledgments of deeds, and shall set forth:

What to set forth.

First, The names of the persons associating in the first instance, and their places of residence;

Second, The corporate name by which such association shall be known in the law, and the place of its business office;

Third, The object and purpose of such association, which shall be to promote the general welfare of the fraternity known as the Grand Lodge of Knights of Pythias, and the period for which it is incorporated, not exceeding thirty years.

Copy of articles, etc., to be filed with Secretary of State.

SEC. 3. A copy of said articles of association, together with a copy of the charter and constitution of said Grand Lodge, shall be filed with the Secretary of State, and thereupon the persons who shall have signed such articles of association, their associates and successors shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law, capable to purchase, take, receive, hold, and enjoy, to them and their successors, estates real and personal, of suing and being sued, and to have a common seal, which may be altered or changed at their pleasure; *Provided*, That the value of such real and personal estate shall not exceed the sum of ten thousand dollars, and that they and their successors shall have power to give, grant, sell, lease, demise, and dispose of said real and personal estate, or part thereof, at their will and pleasure, and the proceeds, rents, and incomes shall be devoted exclusively to the charitable and benevolent purposes of the Grand Lodge of Knights of Pythias. Said corporation shall have full power to make and establish rules, regulations, and by-laws for regulating and governing all the affairs and business of said corporation not repugnant to the constitution and laws of this State or of the United States, and to designate, elect, or appoint from its members such officers, under such name and style as shall be in accordance with the constitution of the Supreme Lodge of the world.

Powers of corporation.

Proviso—real and personal estate limited.

Power to establish rules and regulations, and elect officers, etc.

Evidence of corporation.

SEC. 4. A copy of the record of such articles of association under the seal of the State, duly certified according to law, shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation of such corporation.

SEC. 5. Such corporation when duly formed shall have power to institute and charter subordinate lodges of said order within this State, and from time to time to make, ordain, constitute, and establish such general laws and by-laws, ordinances and regulations for the government of such subordinate lodges, not repugnant to law or to the constitution or regulations of the Grand Lodge of Knights of Pythias, as to them shall seem proper and necessary; and in case of violation or non-compliance with such ordinances, by-laws, and regulations, to revoke and annul the charter granted to such subordinate lodges: *Provided*, That the existing subordinate lodges heretofore duly chartered by the Grand Lodge of Michigan, (or of the United States), shall be subject to the control of the said Grand Lodge under this act as heretofore, and in the same manner, and to the same extent as those that may hereafter be instituted and chartered under this act.

Power to charter subordinate lodges and make rules, etc., for their government.

Proviso—existing lodges under control of Grand Lodge as heretofore.

SEC. 6. Any nine or more persons, residents of this State, being members of any subordinate lodge, having been duly chartered by the Grand Lodge of this State, desirous to become incorporated, may make and execute articles of association under their hands and seals, specifying as provided in article two of this act, and file a copy of such articles with the clerk of the county in which such corporation shall be formed, which shall be recorded by such clerk in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association; and by that name they and their successors shall have succession, and shall be persons in the law (capable to purchase, hold, enjoy, grant, sell, give, lease and demise real and personal estate); of suing and being sued, and may have a common seal, and change and alter the same at pleasure; and a certified copy of the record of such articles of association, under the seal of the county where the said record is kept, shall be received as *prima facie* evidence in all courts in this State of the existence and due incorporation of such corporation; *Provided*, That the value of such real and personal estate shall not exceed the sum of ten thousand dollars, and that they and their successors shall have authority and power to give, grant, sell, lease, demise, and dispose of said real and personal estate, or part thereof, at their will and pleasure, and the proceeds, rents, and income shall be devoted exclusively to the charitable and benevolent purposes of the Order of Knights of Pythias.

Incorporation by members of subordinate lodges.

Articles of association.

Powers of corporation.

Proviso—real and personal estate, etc., of corporation limited.

SEC. 7. Any corporation formed in pursuance of this act may erect and own such suitable edifice building, or hall, as to such corporation shall seem proper, with convenient rooms for the meetings of the lodges of the Order of Knights of Pythias: and for that purpose may create a capital stock of not more than ten thousand dollars, to be divided into shares of not more than ten dollars each; and any such corporation may take, purchase, hold, and own such suitable lot or parcel of ground as may be convenient for the purpose of a cemetery, and may make all lawful rules and regula-

May erect edifice, etc., and create a capital stock therefor.

May own grounds for cemetery.

tions for the disposition of lots, and the burial of the dead therein as to such corporation may seem proper: *Provided*, This act shall not be construed to affect municipal regulations in regard to cemeteries.

Subject to chapter 180 compiled laws, so far as applicable.

SEC. 8. All corporations formed under this act shall be subject to the provisions of chapter one hundred and thirty of the compiled laws of this State, so far as the same may be applicable to corporations formed under this act, and the Legislature may alter or amend this act at any time.

SEC. 9. This act shall take immediate effect.

Approved March 1, 1877.

[No. 18.]

AN ACT to define the powers and duties of officers authorized to sell real estate in pursuance of decrees of courts of equity, and to prescribe the notice to be given in such cases.

Notice of sale.

SECTION 1. *The People of the State of Michigan enact*, That hereafter the circuit court commissioner or other officer authorized by law, or any person duly authorized by an order of the court to sell real estate in pursuance of any decree or final order of a court of equity, shall, previous to such sale, give notice thereof for the same time and in the same manner as is required by law on sales of real estate by sheriffs on execution.

What notice shall contain.

SEC. 2. Every such notice shall also contain the title of the cause, names of the parties, and date of the decree in pursuance of which such sale is to be made.

Adjournment of sale.

SEC. 3. The commissioner, or other officer or person authorized to make such sale, shall have power to adjourn the same from time to time for reasonable cause, and, if such adjournment be for more than one week, he shall give notice thereof in the newspaper in which the original notice was printed, and immediately following the same, and shall continue the publication of such notices during the time for which such sale shall be adjourned, but shall not be required to post any notice of such adjourned sale, except at the place where said sale is to be made.

May re-sell.

SEC. 4. In case any person making the highest bid upon such sale shall neglect or refuse to make immediate payment of the sum so bid, such officer or person may immediately, or upon some other day to which he may, in his discretion, adjourn such sale, proceed to re-sell such real estate: *Provided*, That if such adjournment be for a period of one week or more, notices shall be published as provided in section three of this act.

Proviso.

Penalty for selling without giving notice.

SEC. 5. Any officer or person who shall sell any real estate in pursuance of any such decree or final order of a court of equity, without having given the notices in the manner required by the provisions of this act, shall be liable to the party injured in the sum of one hundred dollars, in addition to such actual damages as he may recover in an action brought therefor.

SEC. 6. The circuit court commissioner, or other officer or person making sale of any real estate as provided in this act, shall not directly or indirectly, purchase or be interested in the purchase of any real estate so sold by him.

Officer selling
not to purchase.

SEC. 7. The circuit court commissioner, or any other officer or person giving notice of sale under this act, shall be allowed the following fees for posting such notice: when the notice is only required to be posted in the township or city where the sale is to take place, one dollar; when said notice is also required to be posted in the township where the property is located, two dollars, and in addition thereto ten cents a mile for traveling by the nearest traveled route.

Fees for giving
notice of sale.

SEC. 8. All the lawful fees allowed under this act shall be added as costs to the amount due upon said decree or final order.

Fees added to
decree.

Approved March 1, 1877.

[No. 19.]

AN ACT to amend section one of chapter fifty-five of compiled laws of eighteen hundred and seventy-one, being compiler's section one thousand nine hundred and eighty-four, relating to the observance of the first day of the week.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter fifty-five of compiled laws of eighteen hundred and seventy-one, being compiler's section one thousand nine hundred and eighty-four, be so amended as to read as follows:

Section
amended.

(1884.) SEC. 1. No person shall keep open his shop, warehouse, or workhouse, or shall do any manner of labor, business, or work, or be present at any dancing, or at any public diversion, show, or entertainment, or take part in any sport, game, or play on the first day of the week. The foregoing provisions shall not apply to works of necessity and charity, nor to the making of mutual promises of marriage, nor to the solemnization of marriages. And every person so offending shall be punished by fine not exceeding ten dollars for each offense.

Shops, etc., not
to be kept open
on first day of
week, etc.

Not to apply to
works of necessi-
ty or charity or
to marriages.

Approved March 2, 1877.

[No. 20.]

AN ACT to amend section five thousand six hundred and fifty-four of the compiled laws of eighteen hundred and seventy-one, being section four of an act entitled "An act to provide for the appointment of a State Reporter," approved April seventeen, eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That section five thousand six hundred and fifty-four of the compiled laws of eighteen hundred and seventy-one, being section four of an act entitled "An act to provide for the appointment of a State Reporter," approved April seventeenth, eighteen hundred and sev-

Section
amended.

enty-one, be and the same is hereby amended so as to read as follows:

Duty of State reporter.

(5654.) SEC. 4. It shall be the duty of the State Reporter to attend each session of the Supreme Court, and he shall faithfully and truly prepare all such decisions for publication, and shall report therewith a brief statement of the case, the points made by counsel therein, and the authorities cited by said counsel.

SEC. 2. This act shall take immediate effect.

Approved March 7, 1877.

[No. 21.]

AN ACT to amend section five of chapter two hundred and two of the compiled laws of eighteen hundred and seventy-one, being compiler's section six thousand four hundred and forty-three, entitled "Proceedings against Garnishees."

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section five of chapter two hundred and two, being section six thousand four hundred and forty-three of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Personal service commencement of suit.

(6443.) SEC. 5. The personal service of a summons upon such garnishee shall be deemed the commencement of suit in the name of the plaintiff against such garnishee, which summons may be served in the same or adjoining county in this State, and require the appearance of such garnishee before such justice at his office in the same or any adjoining counties of this State, and a constable or sheriff of either county may serve the same: *Provided*, The lawful fees for travel and attendance shall be paid or tendered to such garnishee at the time of such service, and such suit may be entered on the docket as suits in other cases.

Proviso—fees for travel, etc.

Approved March 9, 1877.

[No. 22.]

AN ACT to provide an appropriation for the benefit of the Pioneer Society of the State of Michigan, for the years of eighteen hundred and seventy-seven and eighteen hundred and seventy-eight.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That there is hereby appropriated from the general fund for each of the years eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, to the Pioneer Society of the State of Michigan, the sum of five hundred dollars, to be expended from time to time, whenever needed for the purpose by said society, in collecting, embodying, arranging, and preserving in authentic form, a library of books, pamphlets, maps, charts, manuscripts, papers, paintings, statuary, and other materials, illustrative of the history of Michigan, to rescue from oblivion the memory of its early pioneers, to obtain and preserve

How expended.

narratives of their exploits, perils, and hardy adventures; to secure facts and statements relative to the history, genius, progress or decay, of our Indian tribes; to exhibit faithfully the antiquities, and the past and present resources of Michigan, but no part of such annual appropriation shall ever be paid for service rendered by its officers to the society.

SEC. 2. The money appropriated by this act may be drawn from the State Treasury from time to time, on the warrant of the Auditor General, based on the requisition of the proper officer of the society, subject to the requirements of law in regard to filing vouchers and accounts. How drawn.

Approved March 9, 1877.

[No. 23.]

AN ACT to provide for the making of abstracts of lands, sold for taxes and unredeemed, by the Auditor General.

SECTION 1. *The People of the State of Michigan enact*, That the Auditor General shall make, or cause to be made, on proper application, for the benefit of any county in the State, complete abstracts of all lands sold for taxes and unredeemed in such county, giving in such abstracts the date of sale, the year of the tax, amount for which sold, the name and residence of the person or persons to whom sold, and, if deeded, the name and residence of the person or persons to whom deeded; which abstracts shall, on like application, be supplemented annually thereafter; for which service the Auditor General shall receive for the use and benefit of the State, from any county so applying, one cent for each description of land for each year so abstracted. Abstracts to be made by Auditor General.

Sec. 2. Such abstracts shall be made upon application of the board of supervisors of any county, payment therefor being made by the county so applying. To be made on application of board of supervisors.

Sec. 3. The register of deeds of each county procuring such abstracts shall provide the necessary book, at the expense of the county, in which he shall transcribe such tax abstracts; for which service he shall receive from the county one-half cent for each description of land for each year transcribed; and such register of deeds shall furnish to any person applying, copies of such abstracts, upon payment of three cents for each description of land for each year so abstracted. Register of deeds to provide books and transcribe abstracts.

Approved March 9, 1877.

[No. 24.]

AN ACT to amend section seven thousand four hundred and ninety-two of the compiled laws of eighteen hundred and seventy-one, the same being section one of an act entitled "An act providing for the payment of the fees of certain officers for services rendered in criminal cases," approved April second, eighteen hundred and forty-nine.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section seven thousand four hundred and ninety-two of the compiled laws of eighteen hundred and seventy-one, the same being section one of an act entitled "An act providing for the payment of the fees of certain officers for services rendered in criminal cases," approved April two, eighteen hundred and forty-nine, be so amended as to read as follows:

Defendant's
witness fees in
criminal cases to
be paid by people
in certain cases.

(7492.) SEC. 1. If any person accused of any crime or misdemeanor, and about to be tried therefor in any court of record in this State, shall make it appear to the satisfaction of the judge presiding over the court wherein such trial is to be had, by his own oath, or otherwise, that there is a material witness in his favor within the jurisdiction of the court, without whose testimony he cannot safely proceed to a trial, giving the name and place of residence of such witness, and that such accused person is poor and has not and cannot obtain the means to procure the attendance of such witness at the place of trial, the judge in his discretion may, at a time when the prosecuting officer of the county is present, make an order that a subpoena be issued from such court for such witness in his favor, and that it be served by the proper officer of the court. And it shall be the duty of such officer to serve such subpoena, and of the witness or witnesses named therein to attend the trial, and the officer serving such subpoena shall be paid therefor, and the witness therein named shall be paid for attending such trial, in the same manner as if such witness or witnesses had been subpoenaed in behalf of the people.

Approved March 9, 1877.

[No. 25.]

AN ACT to amend section sixteen of chapter two hundred and thirteen of the compiled laws of eighteen hundred and seventy-one, entitled "The action of replevin."

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section sixteen of chapter two hundred and thirteen of the compiled laws of eighteen hundred and seventy-one, being compiler's section six thousand seven hundred and forty-one, be amended so as to read as follows:

Sureties—justifi-
cation by.

(6741.) SEC. 16. Within twenty days after the service of such notice on the officer, the sureties in the bond so executed by the plaintiff shall each justify by making an affidavit that he is a free-

holder in this State, and is worth double the amount of the penalty of such bond over and above all demands and legal exemptions, or within the same time a new bond similar to that herein required before delivery to the plaintiff of the property replevied, shall be executed with new sureties, who shall justify in the same manner herein provided.

Approved March 9, 1877.

[No. 26.]

AN ACT to amend section fifty-seven of chapter one hundred and seventy-six, being section five thousand and ninety-three of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and eighty-six of the session laws of eighteen hundred and seventy-three, approved April twenty-nine, eighteen hundred and seventy-three, relative to the courts of chancery.

SECTION 1. *The People of the State of Michigan enact*, That section fifty-seven of chapter one hundred and seventy-six, being section five thousand and ninety-three of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and eighty-six of the session laws of eighteen hundred and seventy-three, approved April twenty-nine, eighteen hundred and seventy-three, relative to the courts of chancery, be amended so as to read as follows:

(5093.) SEC. 57. Either party to a cause in chancery shall have the right to an examination of all the witnesses in the case, in open court, as in a suit at law, if within ten days after the cause is at issue he gives notice in writing to the opposite party of his intention to claim such right, in which case no commission shall issue, nor examination of witnesses be had before a circuit court commissioner; but the cause shall be heard in its course on the calendar by examination of witnesses in open court, unless the court, on cause shown, shall otherwise direct, as in a suit at law: *Provided*, That if notice shall not be given at the time and in the manner aforesaid, a commission may be issued and the testimony taken before a circuit court commissioner, as provided by the rules and practice of said court: *And provided further*, That in case any cause in chancery shall be so tried in open court, either party shall be entitled to make and settle a case setting forth the evidence at large, before the judge who tried the same, at such time and in such manner, as said judge shall direct, or as shall be prescribed by the rules of said court. And such case being made and filed within sixty days after the entry of the final order or decree therein, the same shall be deemed to be the evidence and proceedings therein to the same extent, and with the like effect, as if the testimony had been taken before a circuit court commissioner, and the cause conducted according to the ordinary practice in chancery: *And provided further*, That the circuit court, in which the case shall have

Section amended.

Either party may examine witnesses in open court.

Examination before circuit court commissioner.

Case setting forth evidence may be made before judge.

Deemed evidence.

Extension of time.

Appeal.

been tried, or the judge thereof, shall have power, on special motion and proper showing to grant an extension of the time for making and filing such case for a period not exceeding three months from and after the date of the entry of such decree or final order, and upon the case so made and filed an appeal may be taken to the Supreme Court, by any of the parties, as in ordinary chancery cases.

Approved March 9, 1877.

[No. 27.]

AN ACT to amend section two hundred and fifty-four of the compiled laws, being an act to establish the rate of fees to be charged by the Auditor General, for furnishing transcripts, lists, abstracts, and certificates.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section two hundred and fifty-four of the compiled laws, being "An act to establish the rate of fees to be charged by the Auditor General for furnishing transcripts, lists, abstracts, and certificates," be and the same is hereby amended so as to read as follows :

Fees for transcripts, etc., established.

(254.) SECTION 1. *The People of the State of Michigan enact*, That the Auditor General shall make, or cause to be made, on proper application, and for the benefit of the parties interested, transcripts of any papers or records on file in his office, upon payment by the applicant of the following fees: For abstracts of taxes on any description of land, three cents for each year covered by such abstract; for abstract with statement of name and residence of taxpayer, twelve cents per year for each description of land; for list of State tax lands or State bids, two cents for each description of land therein; for one copy of any paper or document, at the rate of ten cents per one hundred words; for each certificate, twenty-five cents: *Provided*, That in no case shall any abstract, lists, or copy, made as required by this act, be furnished for a less sum than twenty-five cents; and such fees, when collected, shall be paid into the State Treasury and placed to the credit of the general fund:

Proviso.

Where paid.

Proviso—certain copies furnished without charge.

Proviso.

Provided further, That in all cases when receipts, showing the payment of taxes returned delinquent are presented to the Auditor General for cancelment or rejection of such taxes, and to be filed as a voucher therefor, he shall issue certified copies of the same without charge: *Provided further*, That in cases where transcripts of such receipts are made of such portion necessary to be filed as voucher, the Auditor General shall make and file such transcript without charge.

Approved March 9, 1877.

[No. 28.]

AN ACT to provide for the appointment of an assistant prosecuting attorney for the county of Wayne.

SECTION 1. *The People of the State of Michigan enact*, That the prosecuting attorney of the county of Wayne is hereby authorized and empowered to appoint an assistant prosecuting attorney. Prosecuting attorney to appoint.

SEC. 2. That the salary of said assistant prosecuting attorney shall not exceed the sum of fifteen hundred dollars or be less than twelve hundred dollars per annum. Salary.

SEC. 3. That the salary of said assistant prosecuting attorney shall be fixed by the board of county auditors of Wayne county, and shall neither be increased or diminished during the term for which he shall be appointed. Salary to be fixed by board of county auditors.

SEC. 4. That said assistant prosecuting attorney shall hold office during the pleasure of the prosecuting attorney. Term of office.

SEC. 5. That said assistant prosecuting attorney shall perform such duties as may be required of him by the prosecuting attorney, and shall be subject to all the disqualifications and disabilities of the prosecuting attorney, and shall, before entering on the duties of his office, take and subscribe the oath of office prescribed by the constitution of this State. Duties and disabilities. Oath of office.

SEC. 6. This act shall take immediate effect.

Approved March 9, 1877.

[No. 29.]

AN ACT to facilitate the organization of mutual benefit and coöperative associations within this State.

SECTION 1. *The People of the State of Michigan enact*, That sections ten and twenty-nine of an act entitled "An act to amend sections ten and twelve of an act entitled 'An act in relation to life insurance companies transacting business within this State,'" approved March thirtieth, eighteen hundred and sixty-nine, and to add three new sections thereto, to stand as sections twenty-seven, twenty-eight, and twenty-nine, it being act number eighty of the session laws of eighteen hundred and seventy-one, approved April five, eighteen hundred and seventy-one, being compiler's sections two thousand nine hundred and sixty-two, two thousand nine hundred and sixty-three, and two thousand nine hundred and sixty-four of the compiled laws of eighteen hundred and seventy-one, as amended by act number fifty-five of the extra session of eighteen hundred and seventy-two, approved March twenty-nine, eighteen hundred and seventy-two, shall not be construed so as to include, apply to, or in anywise affect mutual benefit coöperative (and other benevolent) associations, organized or to be organized within this State, under and by virtue of the provisions of an act entitled "An act to provide for the incorporation of coöperative and mutual Mutual benefit and co-operative associations not affected by insurance laws.

benefit associations," approved April three, eighteen hundred and sixty-nine.

Approved March 12, 1877.

[No. 30.]

AN ACT to amend section five of chapter five of act number sixty-two of the session laws of eighteen hundred and seventy-five, approved April first, eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages."

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section five of chapter five of act number sixty-two of the session laws of eighteen hundred and seventy-five, approved April first, eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," be and the same is hereby amended so as to read as follows:

Quorum.

SEC. 5. All meetings and sessions of the council shall be public. A majority of the council shall be a quorum for the transaction of business; a less number may adjourn from time to time and compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed; street, alley, or public ground be vacated, real estate or any interest therein sold or disposed of, unless by a concurring vote of two-thirds of all the trustees elect; no money shall be appropriated except by ordinance or resolution of the council, nor shall any ordinance be passed, nor any resolution appropriating money be adopted, except by a concurring vote of two-thirds of all the trustees elect.

Acts requiring
a two-thirds vote.

Vote on appro-
priation.

SEC. 2. This act shall take immediate effect.

Approved March 13, 1877.

[No. 31.]

AN ACT to amend section forty-eight of chapter one hundred and fifty-four of the revised statutes of eighteen hundred and forty-six, being section seven thousand five hundred and ninety-nine of the compiled laws of eighteen hundred and seventy-one, relating to maliciously injuring houses or other buildings, etc.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section seven thousand five hundred and ninety-nine of the compiled laws of eighteen hundred and seventy-one, relating to offenses against property, be and the same is hereby amended so as to read as follows:

Maliciously in-
juring house or
other building,
etc., penalty.

(7599.) SEC. 10. Every person who shall willfully and maliciously destroy or injure any house, barn, or other building of another, or the appurtenances thereof, if the damage resulting from

such injury shall exceed twenty-five dollars, shall be punished by imprisonment in the State Prison not more than five years, or by imprisonment in the county jail not more than one year, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment, and if the damage done shall not exceed twenty-five dollars, he shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment.

Approved March 16, 1877.

[No. 32.]

AN ACT to amend compiler's section three thousand and fifty-seven, being section four of chapter one hundred and eight of the compiled laws of eighteen hundred and seventy-one, relative to the notice of the election of trustees of religious societies.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 compiler's section three thousand and fifty-seven, being section four of chapter one hundred and eight, of the compiled laws of eighteen hundred and seventy-one, relative to the notice of the election of the trustees of religious societies, be and the same is hereby amended so as to read as follows:

(3057). SEC. 4. The minister, priest, rector, curate, parson, Notice of election, how given.
 or officiating clergyman, of such congregation or society, or if none of them be present, one of the elders, or deacons, church wardens, or vestrymen thereof, and for want of such officers, any other person being a member or stated hearer in such church, congregation, or society, shall publicly notify said congregation of the time when, and the place where, any election shall be held, and such notification shall be given for two successive sabbaths on which such church, congregation, or society, shall statedly meet for public worship next preceding the election.

SEC. 2. This act shall take immediate effect.

Approved March 16, 1877.

[No. 33.]

AN ACT to amend section four thousand two hundred and fifty-seven of the compiled laws of eighteen hundred and seventy-one, and act number forty-six of the session laws of eighteen hundred and seventy-five, approved March twentieth, eighteen hundred and seventy-five, to provide for recording patents of lands, and for other purposes.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section four thousand two hundred and fifty-seven, of the compiled laws of eighteen hundred and seventy-one, and the amendment to said section, being act number forty-six of the session laws of eighteen hundred and seventy-five, approved March twentieth, eight-

een hundred and seventy-five, to provide for recording patents for lands and for other purposes, be and the same is amended, so as to read as follows:

Register to record patents or certified copies thereof.

Secretary of State to record patents.

Existing records, etc., legalized.

(4257.) SEC. 1. It shall be the duty of the registers of deeds, in the several counties of this State, to receive for record, and record all patents of lands, from the United States, or this State, or any copy thereof, duly certified by the commissioner of the United States General Land Office, or by the Secretary of State of this State, or other officer having the legal custody of the records of any such patents, in the same manner and with like effect, as by existing law he is required to receive and record deeds and conveyances; and it shall be the duty of the Secretary of State of this State, to record all patents of lands issued by this State, in suitable records; and the existing record of patents, in the office of the Secretary of State of this State, and all copies of the record of patents heretofore made and certified to by the Secretary of State of this State, and recorded by the register of deeds of any county of this State are hereby declared legal records, and shall have the same force and effect as if recorded after the passage of this act, and such certified copies of the record of patents heretofore recorded in the office of said Secretary of State, and the record of such certified copies may be read in evidence in all courts of this State, with the same force and effect as the original patents.

SEC. 2. This act shall take immediate effect.

Approved March 22, 1877.

[No. 34.]

AN ACT to promote the early construction of a railroad through the Menominee Iron Range.

Grant of land to aid in construction of railroad.

Extent of grant and where situated.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of encouraging the early construction of a railroad from Escanaba westerly by way of Spalding, thence northwesterly through the Menominee Iron Range as far west and south as section thirty-four, town forty north, of range thirty west, and from thence to the Michigamme river, and for the purposes of drainage and reclamation, the State hereby grants to the Menominee River Railroad Company to aid in the construction of portions of such railroad on the line aforesaid, to the extent of seven sections per mile of said railroad, to be selected from the vacant and unreserved State swamp lands belonging to this State, in any portion or portions of the counties of Menominee and Delta, except in range eighteen west, being the easternmost range in Delta county, for the construction of that portion of said railroad from Spalding, in Menominee county, to the north line of said Menominee county, and to be selected from the vacant and unreserved State swamp lands belonging to this State which then shall still remain vacant and unreserved in the counties of Menominee and Delta, except in range eighteen (18) west as aforesaid, for the construction of that portion of said railroad from

the said north line of Menominee county to the Michigamme river, but the title to the lands so granted shall not vest in said company until said railroad, or the portions thereof as hereinafter provided, shall be completed and accepted, and in amounts proportionate to the number of miles so completed and accepted.

When title to vest in company.

SEC. 2. Should said railroad company, accepting the provisions of this act, its successors or assigns, fail to construct twenty consecutive miles of its line of railroad before the first day of January, in the year of our Lord eighteen hundred and seventy-eight, and ten miles of railroad each year thereafter, then all grants of land herein made for that portion of the line not completed within the time specified herein, shall revert to the people of this State: *Provided, however,* That if said railroad company shall in any one year construct more than the number of miles of railroad hereinbefore required to be constructed in such year, the excess shall be credited to said company on account of the amount of railroad required to be built by it in the next succeeding year or years, and said company shall be entitled to receive of the lands hereby granted an amount of lands equivalent to seven sections for each mile of road so actually constructed: *Provided further,* That no lands shall be granted to said railroad company for any railroad or portion of railroad now built east of said Spalding, in the counties of Menominee and Delta, nor for the construction of side tracks, switches, or branches.

When lands to revert to State.

Proviso.

Proviso.

SEC. 3. The said railroad company accepting the provisions of this act shall deposit within sixty days after the passage of this act a plat or map of the first twenty miles or more of said railroad northwesterly from Spalding upon the route indicated, and thereafter from time to time when it shall have actually surveyed and adopted the line of each succeeding ten miles or more of said railroad, a plat or map thereof in the office of the Secretary of State, and duplicates of all such plats or maps with the Commissioner of the State Land Office: *Provided,* That any plat or map heretofore filed with said officers by said railroad company may be refilled within sixty days after the passage of this act by written notice to such effect from said railroad company to said officers, and such refiling shall be considered and taken to be a proper filing of such plat or map in accordance with this act.

Plat of route to be deposited with Secretary of State and Commissioner of Land Office.

Proviso—plat heretofore filed may be refilled.

SEC. 4. It shall be the duty of the Commissioner of the State Land Office, upon the passage of this act, and the acceptance of the provisions hereof by said company as in this act provided, to withdraw from sale all the vacant and unreserved swamp lands belonging to this State in the counties of Menominee and Delta, excepting in range eighteen aforesaid, until said railroad company shall have filed with said Commissioner a list or lists of said lands so selected by it for the construction of its line of road: *Provided,* The list or lists of said lands so selected for the construction of each portion of the said line of railroad shall have been so filed with the said Commissioner within one year from the date of the deposit of the plat of such portion of its said line of railroad with said Commissioner.

Commissioner to withdraw land from market.

Proviso—when list of land to be filed.

Lands selected
withdrawn from,
and other lands
restored to, mar-
ket.

SEC. 5. Upon the filing of all of the lists of said swamp lands so selected by said railroad company with the Commissioner of the State Land Office as aforesaid, it shall be his duty to continue withdrawn from sale the swamp lands embraced in said lists to the extent and amount of seven sections per mile of the whole of said line of railroad, according to the filed plats or maps thereof so proposed to be constructed by said railroad company, to be disposed of according to the provisions of this act, and to restore all remaining unselected by said railroad company of said lands so withdrawn to the same condition they were in before such withdrawal from sale, for the purpose of sale or entry.

Lands granted
exempt from
taxation five
years.

SEC. 6. All lands granted by this act to aid in the construction of said line of railroad shall, while they continue to be held by said railroad company, remain exempt from any tax levied for State, county, township, or any other purpose for the term of five years from and after the date that said railroad company shall become entitled to said lands.

What lands
granted.

SEC. 7. The lands granted by this act are and shall be taken and construed to be the same lands heretofore granted to the said Menominee River Railroad Company, and which remain withdrawn from sale under the provisions of act number two hundred and twenty-seven of the public acts of eighteen hundred and seventy-five, entitled "An act to promote the early construction of a railroad through the Menominee Iron Range," omitting therefrom the State swamp lands in range eighteen (18) west, as herein before excepted.

How road shall
be constructed.

SEC. 8. The said railroad shall be of first-class construction, with not less than twenty-six hundred cross ties per mile, laid with iron or steel rails of not less than fifty-six pounds per yard, joined by fish plates, and of the gauge of four feet and eight and one-half inches.

Governor to ex-
amine road, issue
patents, etc.

SEC. 9. Before any lands shall be conveyed under the provisions of this act by the Governor, he personally, or by some authorized agent, upon notification by said railroad company that the required number of miles or more has been completed within the time provided by this act, shall examine such section of completed railroad, and if after full examination he shall approve of the construction thereof, it shall be his duty to certify the same to the Commissioner of the State Land Office, and patents shall be issued to the said railroad company for the construction of such completed portion of said line of railroad, by the Governor, for the lands to the amount provided in this act, and thereafter in like manner he shall examine and upon approval issue patents for each section of railroad actually constructed in compliance with the terms of this act, until the completion of the whole of the said line of railroad.

When act to
become obli-
gatory.

SEC. 10. Upon the filing by said railroad company in the office of the Secretary of State of a notification of its acceptance of the provisions of this act, the same shall thereupon become obligatory upon the State as well as upon said company: *Provided*, That said notification shall be given within sixty days after the passage of this act.

Proviso.

SEC. 11. This act shall take immediate effect.

Approved March 23, 1877.

[No. 35.]

AN ACT to reorganize the Eighteenth Judicial Circuit, and create the Twenty-third Judicial Circuit.

SECTION 1. *The People of the State of Michigan enact*, That the counties of Bay, Ogemaw, and Otsego shall be formed into and constitute a judicial circuit, to be known as the eighteenth judicial circuit. Eighteenth circuit.

SEC. 2. The judge of the eighteenth judicial circuit shall continue to hold his office as judge of said circuit, as herein reorganized, for the remainder of his unexpired term, and until his successor is elected and qualified. Judge of eighteenth circuit to retain office.

SEC. 3. That the counties of Presque Isle, Alpena, Montmorency, Alcona, Oscoda, and Iosco shall be formed into and be one judicial circuit, to be known as the twenty-third judicial circuit. Twenty-third circuit.

SEC. 4. The qualified voters of the counties mentioned in the third section of this act shall, on the first Monday of April, in the year of our Lord eighteen hundred and seventy-seven, elect a circuit judge, who shall hold his office, commencing on the first day of May, in the year eighteen hundred and seventy-seven, and ending on the first day of January, in the year of our Lord eighteen hundred and eighty-two. Election of judge and term of office.

SEC. 5. It shall be the duty of the sheriff of the several counties mentioned in section three of this act, at least ten days previous to the first Monday in April, in the year of our Lord eighteen hundred and seventy-seven, to notify the township clerk of each township, and ward inspectors of election in each ward of any city in their respective counties, of said election of circuit judge, and the township clerks and ward inspectors shall post notices in the usual manner, for such election in townships and wards, at least three days previous to the day of election. Notices of election.

SEC. 6. The said election for circuit judge shall be conducted and returns made as provided by law for the election of circuit judges for the several judicial circuits of this State, and the State Board of Canvassers shall, without delay, on the receipt of the certified statements of the votes given in said counties named in the third section of this act, proceed to canvass the said votes, and to deliver to the person elected a copy of their determination, as required by law. Manner of conducting election. Canvass of votes.

SEC. 7. All acts or parts of acts, contravening the provisions of this act, are repealed. Acts repealed.

SEC. 8. This act shall take immediate effect.

Received at the executive office March 23, 1877.*

* Became a law under section 14 of Article IV. of the constitution without the approval of the Governor.

[No. 36.]

AN ACT to amend an act entitled “ An act to amend section five (5) of chapter twenty-four (24) of the compiled laws of eighteen hundred and seventy-one (1871), being an act relative to persons liable to work on highways, and making assessment therefor,” as amended by act number one hundred and seventy-nine, of the session laws of eighteen hundred and seventy-five, approved May first, eighteen hundred and seventy-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section five (5) of chapter twenty-four of the compiled laws of eighteen hundred and seventy-one, being compiler's section one thousand two hundred and twenty, being an act relative to persons liable to work on highways, and making assessment therefor, as amended by act number one hundred and seventy-nine, of the session laws of eighteen hundred and seventy-five, approved May first, eighteen hundred and seventy-five, be and the same is hereby amended so as to read as follows:

Highway labor,
how and by
whom estab-
lished.

How to be
assessed.

SEC. 5. In making the estimate and assessment of highway labor the commissioner shall proceed as follows:

First, Every male inhabitant in each road district being above the age of twenty-one and under the age of fifty, except pensioners of the United States, and other soldiers and sailors honorably discharged, who are disabled from performing manual labor by reason of wounds received, or diseases contracted while in the service of the United States, paupers, idiots, and lunatics, shall be assessed one day.

Residue, how
apportioned.

Second, The residue of highway labor to be assessed, not exceeding one day's work upon one hundred dollars valuation, shall be apportioned upon the estate, real and personal, of every inhabitant in each of the road districts in such township, and upon each tract or parcel of land in the respective road districts of which the owners are non-residents, as the same appear by the assessment roll. But the amount of said highway assessment, not exceeding one day's labor, nor less than one-tenth day's labor upon one hundred dollars valuation may be determined by the vote of the electors of each township at their annual meeting immediately after the election of overseers of highways: *Provided*, That townships not having one hundred inhabitants be debarred from voting more than one-half day's labor on each one hundred dollars of valuation: *And provided further*, That all moneys so raised shall be expended in the surveyed townships where the same is assessed: *And provided further*, That in case the electors of any township at their annual meeting shall neglect or refuse to vote a highway tax as hereinbefore provided, the commissioner of highways shall assess a highway tax which shall not exceed one-half day's labor upon each one hundred dollars' valuation of his township.

Proviso.

Further proviso.

Further proviso.

Commissioner to
fix number of
days persons and
property shall be
assessed.

Third, The commissioner shall affix to the name of each person named in the list furnished by the overseers and not assessed upon the assessment roll, and also to each valuation of property within

the several road districts, the number of days which such persons or property shall be assessed for highway labor, adding one day to the assessment of each person liable to a poll tax and assessed upon the township assessment roll.

SEC. 2. This act shall take immediate effect.

Approved March 24, 1877.

[No. 37.]

AN ACT making an appropriation for completing the new State Capitol, and for the electrician work for said building.

SECTION 1. *The People of the State of Michigan enact*, That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the State building fund in the State Treasury for the year eighteen hundred and seventy-seven, to be expended by the Board of State Building Commissioners, in their discretion, in payment for the electrician work for the new State Capitol, and for necessary expenses in the completion of said building. Amount appropriated.

SEC. 2. The amount appropriated in section one of this act shall be apportioned by the Auditor General in the State tax for the year eighteen hundred and seventy-seven, and when collected shall be placed to the credit of the State building fund: *Provided*, That if any portion of the amount hereby appropriated shall be required by the Board of State Building Commissioners for the purposes hereinbefore mentioned before the same shall be collected and placed to the credit of the State building fund, the Auditor General is hereby authorized to advance from the general fund the amount so required, such amount so advanced to be returned to the general fund when the same shall have been collected. How apportioned
Proviso.

SEC. 3. This act shall take immediate effect.

Approved March 29, 1877.

[No. 38.]

AN ACT to amend act number eighty-two of the session laws of eighteen hundred and seventy-three, approved April fifteen, eighteen hundred and seventy-three, by adding one new section thereto, to stand as section twenty-two, providing for the organization of mutual fire insurance companies to insure property in cities and villages exclusively.

SECTION 1. *The People of the State of Michigan enact*, That act number eighty-two of the session laws of eighteen hundred and seventy-three, approved April fifteen, eighteen hundred and seventy-three, entitled "An act to provide for the organization of mutual fire insurance companies, and defining their powers and duties; and to repeal chapter ninety-seven of the compiled laws of eighteen hundred and seventy-one," and also act number ninety-four of the session Section added.

laws of eighteen hundred and seventy-one, approved April twelve, eighteen hundred and seventy-one, be amended by adding one new section, to stand as section twenty-two, and to read as follows :

Insurance of
village and city
property.

SEC. 22. Companies heretofore organized in this State, or which may organize or reorganize hereafter, for the purpose of mutual fire insurance of the property of its members confined exclusively to cities and villages, may, under this act, insure any and every class of buildings and contents in cities and villages ; such risks being duly classified according to the degree of hazard, as shall be determined by said companies, and which shall be set forth in the charter or by-laws of such companies, and not inconsistent with the constitution and laws of this State: *Provided*, That the class of companies set forth in this section shall not insure farm property ; and except as provided in this section, shall be governed by all the provisions of the act to which this is amendatory.

Proviso.

SEC. 2. This act shall take immediate effect.

Approved March 29, 1877.

[No. 39.]

AN ACT to repeal sections forty-seven hundred and fifty-seven and forty-seven hundred [and] fifty-eight of the compiled laws of eighteen hundred and seventy-one, relative to divorce.

Sections
repealed.

SECTION 1. *The People of the State of Michigan enact*, That sections forty-seven hundred and fifty-seven, and forty-seven hundred and fifty-eight, of the compiled laws of eighteen hundred and seventy-one, relative to divorce, be and the same are hereby repealed.

Approved March 29, 1877.

[No. 40.]

AN ACT to provide for or facilitate the incorporation of military or light guard companies for certain purposes.

Who may incor-
porate.

SECTION 1. *The People of the State of Michigan enact*, That any light guard or military company in this State, being a part of the military or militia organized under the laws of this State, may be incorporated for the purpose of purchasing or erecting and constructing an armory and other edifice or hall, to be used by them and let to others for literary entertainments, public meetings, exhibitions, or any other legitimate purpose.

Articles of asso-
ciation.

SEC. 2. Any ten or more members of any such company desirous of becoming incorporated under this act, may make and execute under their hands and seals articles of association, which articles of association shall be acknowledged before some officer of this State having authority to take acknowledgments of deeds, and shall set forth—

What to set
forth.

First, The names of all the persons so associating, and their places of residence ;

Second, The corporate name by which such corporation shall be known in law, and the place of its business office;

Third, The object and purpose of such association, and the period for which it is incorporated, not exceeding thirty years.

SEC. 3. Such articles of association shall be filed with the Secretary of State and the county clerk of the county where the corporation shall have its business office, and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be a person in law, capable to lease, purchase, take, receive, hold, and enjoy to itself and its successors, estates real and personal, and of mortgaging the same, of suing and being sued, and it may have a common seal, which may be changed or altered at pleasure: *Provided*, That

Articles to be filed with Secretary of State and county clerk.

such estate, real and personal, shall not exceed the sum of thirty thousand dollars, and that such corporation shall have full power to give, grant, sell, lease, demise, and dispose of the whole or any part of such real and personal estate, at its will and pleasure, and the proceeds, rents, and profits thereof shall be devoted exclusively to the benefit of such corporation, in such manner and for such purpose as may be provided in its by-laws, or other rules or regulations.

Powers of corporation.

Proviso.

SEC. 4. Such corporation shall have full power and authority to make and establish all necessary rules, regulations, and by-laws for regulating and governing all the affairs and business of said corporation, not inconsistent with the laws of this State and of the United States.

Power to establish rules, regulations, etc.

SEC. 5. A copy of such articles of association, under the seal of the State, or of the county clerk of the proper county, duly certified according to law, shall be received as *prima facie* evidence in all the courts of this State of the existence and due incorporation of such corporation.

Evidence of corporation.

SEC. 6. The affairs and business of such corporation shall be under the control and supervision of a board of directors, of not less than five nor more than nine in number, who shall be elected at such time and in such manner as may be provided in its articles of association or by-laws, and such board of directors may elect a president, vice president, secretary, and treasurer, and such other officers as may be necessary for the transaction of its business affairs, in accordance with such articles of association or the provisions of its by-laws. And the president and secretary shall have full power and authority to make and execute all contracts for and in behalf of such corporation that may be duly authorized by its board of directors.

Board of directors and other officers.

Power of president and secretary.

SEC. 7. The dissolution of any such company as a military organization shall not operate to terminate the existence of the corporation, but the existence of the same may continue for the benefit of the members of such corporation.

Dissolution of company not to terminate corporation.

SEC. 8. This act shall take immediate effect.

Approved March 30, 1877.

[No. 41.]

AN ACT to provide for the incorporation of St. Andrew's Societies.

Who may incorporate.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons of Scottish birth, who may now or hereafter be residents of this State, or the descendants of such persons in the first or second degree, may be incorporated in pursuance of the provisions of this act.

Articles of association.

SEC. 2. Any ten or more persons, residents of this State, being of Scottish birth or their descendants as aforesaid, desiring to become incorporated, may make and execute articles of association, under their hands and seals, which said articles of association shall be acknowledged before some officer of this State having authority to take acknowledgments of deeds, and shall set forth :

What to set forth.

First, The names of persons associating and their places of residence ;

Second, The location of the association of which they are members ;

Third, The corporate name by which such association shall be known in the law : *Provided*, That each association incorporated under this act shall be known as "the St. Andrew's society of (the name of the city or township where such association is located, and if more than one association is located in the same city or township the same shall be designated by numbers) ;"

Fourth, The object and purpose of such association shall be to provide for and relieve poor natives of Scotland and children and grandchildren of natives of Scotland.

The period for which such association shall be incorporated shall not exceed thirty years.

Articles to be filed and recorded in office of county clerk.

SEC. 3. A copy of said articles of association shall be filed with the county clerk of the county in which such corporation shall be formed, and shall be recorded by such clerk in a book to be kept in his office for that purpose, and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession and shall be persons in law, capable of suing and being sued, and they and their successors may have a common seal, and may change and alter the same at pleasure ; and a certified copy of the record of such articles of association under the seal of the county where the said record is kept, shall be received as *prima facie* evidence in all courts in this State of the existence and due incorporation of such corporation.

Body politic and corporate.

Copy of record evidence

May hold estates.

SEC. 4. Every corporation formed in pursuance of this act shall be capable in its corporate name of purchasing, taking, receiving, holding, and enjoying to itself estates both real and personal : *Provided*, That the value of such real and personal estate shall not exceed the sum of one hundred thousand dollars, and that they and their successors shall have full authority and power to give, grant, sell, mortgage, lease, devise and dispose of said real and personal

Proviso—limit of value, etc.

estate or any part thereof, and other estates, real and personal, may acquire instead thereof at their will and pleasure, and the proceeds shall be devoted exclusively to the charitable and benevolent purposes set forth in section two.

SEC. 5. Said corporations shall have full power and authority to make and establish rules, regulations, and by-laws for regulating and governing all the affairs and business of said corporations, not contrary to the laws of this State and the United States, and to designate, elect, or appoint, from among their number, such officers under such names and styles as shall be in accordance with the constitution and charter of such society, who shall have the supervision, control, and management of the affairs of said corporations.

May make by-laws, elect or appoint officers.

SEC. 6. Any corporation formed in pursuance of this act may erect and own such suitable edifices, buildings, or halls as such corporation shall deem necessary, with convenient rooms for the meetings of said society, and for that purpose may create a capital stock of not more than sixty thousand dollars, to be divided into shares of not more than twenty-five dollars each.

May erect halls, create a capital stock, etc.

SEC. 7. All corporations formed under the provisions of this act shall be subject to the provisions of chapter seventy-three of the compiled laws of this State, so far as the same may be applicable to corporations formed under this act, and the Legislature may alter or amend this act at any time.

Subject to provisions of chapter 73 of compiled laws.

SEC. 8. This act shall take immediate effect.

Approved March 30, 1877.

[No. 42.]

AN ACT to allow accident insurance companies to do business in this State.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for accident insurance companies organized under the laws of any other State, to make insurance upon individuals of this State against personal injury, disablement or death, resulting from traveling or general accidents by land or water, under authority issued by the Commissioner of Insurance of this State. Such companies shall file statements, and in all respects so far as applicable, comply with all laws which now are, or hereafter may be, in force relative to life insurance companies transacting business in this State.

Accident insurance companies authorized to do business.

To file statements, etc.

Approved March 30, 1877.

[No. 43.]

AN ACT to amend section ten of chapter two hundred and thirty-nine, being section seven thousand four hundred and forty-two of the compiled laws of eighteen hundred and seventy-one, relative to fees of certain officers in civil cases.

SECTION 1. *The People of the State of Michigan enact*, That section ten of chapter two hundred and thirty-nine, being section seven

Section amended.

thousand four hundred and forty-two of the compiled laws of eighteen hundred and seventy-one, relative to fees of certain officers in civil cases, be amended so as to read as follows :

Witnesses fees.

(7442.) SEC. 10. For attending in any suit or proceeding pending in a court of record one dollar for each day, and fifty cents for each half day. For attending in any justice court or before any person authorized to hold inquests on the view of dead bodies, or before any officer, person, or board authorized to take the examination of witnesses, seventy-five cents for each day and thirty-seven and a half cents for each half day. For traveling, at the rate of ten cents per mile in coming to the place of attendance, to be estimated from the residence of such witness, if within this State, or from the boundary line of this State, which such witness passed in coming, if his residence be out of the State ; but this section shall not be so construed as to allow any fees to witnesses on behalf of the people in criminal prosecutions, or in suits for the recovery of fines, penalties, or forfeitures. The Secretary of State, Auditor General, State Treasurer, Attorney General, Commissioner of the Land Office, any clerk, register of deeds, county surveyor, or judge of probate, attending on a subpoena requiring the same, with bills, records, or other written evidence, shall be entitled to one dollar per day, and for traveling, at the rate of six cents per mile in coming and returning from the residence of such witness.

Approved March 30, 1877.

[No. 44.]

AN ACT to amend section twenty-seven of chapter one hundred and seventy, being compiler's section four thousand seven hundred and fifty-nine of the compiled laws of eighteen hundred and seventy-one, relative to the enforcement of decrees for alimony in divorce cases.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-seven of chapter one hundred and seventy, being compiler's section four thousand seven hundred and fifty-nine of the compiled laws of eighteen hundred and seventy-one, relative to the enforcement of decrees for alimony in divorce cases, be and the same is hereby amended so as to read as follows :

Security for payment of alimony.

(4759.) SEC. 27. In all cases where alimony or other allowance shall be decreed to the wife or children, the court may require sufficient security to be given by the husband for the payment thereof according to the terms of the decree, and upon the neglect or refusal of the husband to give such security, or upon his failure to pay such alimony or allowance, the court may award execution for the collection of the same, or the court may sequester his real and personal estate and may appoint a receiver thereof, and cause such personal estates and the rents and profits of such real estate to be applied to the payment thereof ; and in case the real estate of the husband shall consist wholly or in part of wild and uncultivated lands, or

Sale of real estate for payment of alimony.

any other unproductive estate, the court shall have power in its discretion to provide for the payment of such alimony or other allowance, by the sale of such lands or estate in such manner as the court shall direct; and that any circuit court in chancery shall have authority to review any decree of said court allowing alimony, on petition of either party, and may alter or amend such decree whenever such court shall from evidence become satisfied that any error occurred in estimating the amount of the property, at the date of such decree, of the husband decreed to pay alimony, and for any cause arising after the date of such decree.

Review of decree

Approved April 5, 1877.

[No. 45.]

AN ACT to amend section one of an act entitled "An act regulating the responsibility of the agents of insurance companies doing business in this State," approved April twelfth, eighteen hundred and seventy-one, being compiler's section seven thousand six hundred and twenty-nine, compiled laws eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act regulating the responsibility of the agents of insurance companies doing business in this State," being compiler's section seven thousand six hundred and twenty-nine, compiled laws eighteen hundred and seventy-one, shall be and the same is amended so that it shall be and read as follows:

Section amended.

(7629.) SECTION 1. *The People of the State of Michigan enact*, That any person who shall be appointed, or who shall act as agent for any insurance company within this State, or who shall solicit applications, issue policies or renewals, or who shall receive or collect premiums either for original insurances or renewals, or who shall receive or collect moneys from any source or on any account whatsoever as such agent for any insurance company organized or doing business in this State, such person shall be held personally responsible to such company for any moneys received by him for such company.

Agents personally responsible to company.

Approved April 10, 1877.

[No. 46.]

AN ACT making appropriations for the current expenses of the State Normal School.

SECTION 1. *The People of the State of Michigan enact*, That the State Treasurer shall transfer from the general fund the sum of seventeen thousand three hundred dollars for the year eighteen hundred and seventy-seven (1877), and seventeen thousand three hundred dollars for the year eighteen hundred and seventy-eight (1878), which

Amount transferred from general to normal school interest fund.

sums are hereby appropriated to the normal school interest fund, and shall be drawn from the treasury in the manner now provided by law in relation to that fund.

Auditor General
to incorporate
amount in State
tax.

SEC. 2. The Auditor General shall incorporate in the State tax for the year eighteen hundred and seventy-seven one half of the sum appropriated in section one of this act, and one half of said sum in the tax for the year eighteen hundred and seventy-eight, which tax, when collected, shall be credited up to the general fund to reimburse to the same the sums to be drawn therefrom, as provided in said section one of this act.

SEC. 3. This act shall take immediate effect.

Approved April 10, 1877.

[No. 47.]

AN ACT to amend section one of chapter one hundred and seventy-seven, being compiler's section five thousand two hundred and forty-five of the compiled laws of eighteen hundred and seventy-one, entitled "An act requiring judges of probate in certain cases to give notice to foreign consuls of an application for administration in the estate of deceased persons," approved March eighteenth, eighteen hundred and sixty-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter one hundred and seventy-seven, being compiler's section five thousand two hundred and forty-five of the compiled laws of eighteen hundred and seventy-one, entitled "An act requiring judges of probate in certain cases to give notice to foreign consuls of an application for administration in the estate of deceased persons," approved March eighteenth, eighteen hundred and sixty-five, be amended so as to read as follows:

Judge of pro-
bate to notify
foreign consul.

(5245.) SEC. 1. Whenever it shall appear upon application to any probate court for letters of administration, or to prove the will of any deceased person, that the heirs at law of said deceased, or any of them, are residents of a foreign country, it shall be the duty of the judge of such probate court to notify the consul resident in this State, if there be one of such foreign nation where the said heir or heirs may reside, and if no such consul reside in this State, he shall notify the consul of such foreign nation in the city of New York of the pendency of, and the day appointed for hearing such application; and such notice may be given by letter addressed to such consul, and deposited in the postoffice, with the postage prepaid thereon, at the city or village where such application was made, at least sixty days before such day of hearing.

SEC. 2. This act shall take immediate effect.

Approved April 14, 1877.

[No. 48.]

AN ACT to amend sections one, two, three, four, five, six and twelve of chapter sixty-seven, being sections two thousand one hundred and sixteen, two thousand one hundred and seventeen, two thousand one hundred and eighteen, two thousand one hundred and nineteen, two thousand one hundred and twenty, two thousand one hundred and twenty-one, and two thousand one hundred and twenty-seven, of the compiled laws of eighteen hundred and seventy-one, relative to the destruction of wolves and other noxious animals.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, three, four, five, six, and twelve of chapter sixty-seven, being sections two thousand one hundred and sixteen, two thousand one hundred and seventeen, two thousand one hundred and eighteen, two thousand one hundred and nineteen, two thousand one hundred and twenty, two thousand one hundred and twenty-one, and two thousand one hundred and twenty-seven of the compiled laws of eighteen hundred and seventy-one, relative to the destruction of wolves and other noxious animals, be amended so that the same shall read as follows:

(2116.) SEC. 1. Every person, being an inhabitant of this State, who shall kill a full-grown wolf, or a wolf's whelp, in any organized township of this State, except the Upper Peninsula, shall be entitled to a bounty of eight dollars for each wolf over three months old, and four dollars for each wolf's whelp under the age of three months, to be allowed and paid in the manner hereinafter provided.

Bounty for killing wolves, etc.

(2117.) SEC. 2. Every person intending to apply for such bounty shall take such wolf or wolf's whelp killed by him, or the head thereof, with the ears and skin entire thereon, to the county clerk of the county within which such wolf or wolf's whelp shall have been taken, who shall thereupon decide upon such application.

Head, etc., to be taken to county clerk.

(2118.) SEC. 3. The person claiming such bounty shall then be sworn by said clerk, and state on oath the time and place, when and where, every wolf and wolf's whelp, for which a bounty is claimed by him, was taken and killed; and he shall also submit to such further examination on oath concerning the taking and killing of such wolf or wolf's whelp as said clerk may require, and the statement by him shall be reduced to writing in the form of an affidavit, which shall be subscribed by the person making the same.

Examination of applicant.

(2119.) SEC. 4. If it shall appear to said clerk that the wolf or whelp was taken and killed within some organized township in his county by the person applying for such bounty, and that the mother of any such whelp was not taken before she brought forth the same, he shall cut off and burn to ashes the ears and scalp of such wolf or whelp, and deliver to the person so applying a certificate of the facts, and whether the same was over or under the age of three months when taken, and shall file the original affidavit of said applicant in his office.

When certificate to be given.

(2120.) SEC. 5. Such certificate and the original affidavit filed

Certificate to be presented to board of supervisors.

with said clerk, may be presented by the claimant or his agent, to the board of supervisors of the county in which said wolf or whelp shall have been taken or killed, at any meeting thereof, and if said board shall doubt the correctness or sufficiency of said affidavit, they shall notify the person claiming such bounty to make further proof of his claim before said board at a subsequent meeting thereof to be named in such notice.

Supervisors to award bounty.

(2121.) SEC. 6. If the board of supervisors shall have no doubt as to the correctness of such claim, or if their doubts shall be removed by further proof, they shall award to the person to whom such certificate shall have been granted the bounty above specified, and shall cause the certificate and all affidavits and proofs to remain on file with their clerk.

Penalty for false certificate.

(2127.) SEC. 12. If any county clerk who shall be applied to for a certificate under the provisions of this chapter shall willfully give a false certificate in the premises, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding one year.

Approved April 14, 1877.

[No. 49.]

AN ACT to amend section one of an act entitled "An act to regulate the manner of attaching unorganized territory to organized counties for judicial and municipal purposes," approved March fifteenth, eighteen hundred and sixty-one, being compiler's section four hundred and fifty of the compiled laws of eighteen hundred and seventy-one.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section one of an act entitled "An act to regulate the manner of attaching unorganized territory to organized counties for judicial and municipal purposes," approved March fifteenth, eighteen hundred and sixty-one, being compiler's section four hundred and fifty of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

Unorganized county attached to organized county deemed attached to county town.

(450.) SEC. 1. In all cases where any unorganized county has been or may be hereafter attached to any organized county of this State for judicial or municipal purposes, the same shall be deemed to be and hereby is attached to the county town of such organized county, or to the township in which the county seat may be located unless the board of supervisors of such county shall otherwise direct: *Provided, That* whenever it shall appear to the board of supervisors of such organized county, by petition, that such attached territory shall contain at least eighteen resident freeholders and legal voters, said board may, in their discretion, set off and organize the attached territory into a separate township; and such township so formed and set off shall continue to be attached to such organized county for the same purposes as before the same was thus

When township to be organized therefrom.

organized: *Provided further*, That all the requirements as to notice, Notice, etc. petition, and applications for the organization of such township shall be the same as are now required by chapter ten of the compiled laws of eighteen hundred and seventy-one: *And provided further*, That all the taxes levied in such unorganized county so Tax, where expended. attached, for other than State and county purposes, after such organization into a separate township, shall be expended within the limits of such unorganized territory.

Approved April 14, 1877.

[No. 50.]

AN ACT to amend section eleven of chapter two hundred and thirty-nine of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and eighty-nine of the laws of eighteen hundred and seventy-three, approved April twenty-ninth, eighteen hundred and seventy-three, being section seven thousand four hundred and forty-three of the compiled laws of eighteen hundred and seventy-one, relative to fees of deputy sheriffs.

SECTION 1. *The People of the State of Michigan enact*, That Section amended. section eleven of chapter two hundred and thirty-nine of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and eighty-nine of the laws of eighteen hundred and seventy-three, approved April twenty-ninth, eighteen hundred and seventy-three, being section seven thousand four hundred and forty-three of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

(7443.) SECTION 11. For serving a summons, writ of replevin, Fees of Sheriffs. Summons, etc. or other processes by which a suit shall be commenced in a court of law, or a subpoena to appear and answer in chancery, seventy-five cents, when service is made on one defendant only, and for the service on each additional defendant twenty-five cents. For travel- Traveling. ing in making such service, on the usual traveled route, ten cents per mile for going only, to be computed in all cases from the court house of the county in which the service is made, or from the place where the court has usually been held therein. For taking a bond Taking bond. of a plaintiff in replevin, or taking a bond on the arrest of a defendant, or in other case where he is authorized to take the same, fifty cents. For a certified copy of such bond when requested, twenty- Copy of bond. five cents. For a note of every *capias* delivered to a defendant on Note of capias. request, six cents. For a copy of every summons, *scire facias*, or declaration served by him, when made by the sheriff, six cents for each folio. For a copy of every other writ, when demanded or re- Of writ. quired by law, twenty-five cents. For serving an attachment for Serving attach- ment. the payment of money, or an execution for the payment of money, or a warrant issued for the same purpose, and delivered to him by

Advertising sales.	the county treasurer or any supervisor, for collecting the sum of two hundred and fifty dollars or less, two and a half per cent, and for any sum more than two hundred and fifty dollars, one and one-quarter per cent. Advertising goods or chattels, lands or tenements for sale on any execution, if a sale be made, one dollar; and if the execution be stayed or settled, after advertising and before sale, fifty cents. The fees allowed by law and paid to any printer by such sheriff, for publishing an advertisement of the sale of real estate for not more than six weeks, and for publishing the postponement of any such sale, the expense shall be paid by the party requiring the same. The fees herein allowed for the service of an execution, and for advertising thereon, shall be collected by virtue of such execution in the same manner as the sum therein directed to be levied; but when there shall be several executions against the defendant, at the time of advertising his property, in the hands of the same sheriff, there shall be but one advertising fee charged on the whole, and the sheriff shall elect upon which execution he will receive the same. For every certificate on the sale of real estate, fifty cents; and for each copy thereof, twenty-five cents; which, together with the register's fee for filing the same, shall be collected as other fees on execution. For drawing and executing a deed pursuant to a sale of real estate, one dollar; and whatever sums may be necessarily paid by such officers for United States revenue stamps for such deed, to be paid by the grantee in such deed. Serving a writ of possession or of restitution, putting any person entitled into possession of the premises, and removing the occupant, one dollar; and the same compensation for traveling as is herein allowed on other writs. Taking a bond for the liberties of the jail, fifty cents; summoning a jury upon a writ of inquiry, attending such jury, and making and returning the inquisition, one dollar and fifty cents; summoning a special jury struck pursuant to an order of the court, and returning the panel, one dollar and fifty cents; summoning a jury pursuant to any precept or summons of any officer, in any special proceeding, one dollar; and for attending such jury when required, fifty cents; bringing up a prisoner upon <i>habeas corpus</i> , to testify or answer in any court, one dollar; and for traveling each mile from the jail, thirteen cents. For attending any court with such prisoner, one dollar per day, besides actual necessary expenses; bringing up a prisoner upon <i>habeas corpus</i> with the cause of his arrest and detention, one dollar; and for traveling, thirteen cents for each mile from the jail. Attending before any officer with a prisoner, for the purpose of having him surrendered in exoneration of his bail, or attending to receive a prisoner so surrendered, who was not committed at the time, and receiving such prisoner into his custody, in either case, one dollar; attending a view, when ordered by the court, one dollar and fifty cents per day, including the time occupied in going and returning; serving an attachment upon any ship, boat or vessel, in proceedings to enforce any lien thereon, created by law, seventy-five cents, with such additional compensation for his trouble and expenses in taking possession of and preserving the
Execution.	
Several executions.	
Certificate of sale.	
Executing deed.	
Writ of possession.	
Bond; summoning jury.	
Special jury.	
Habeas corpus to testify.	
Attending with prisoner.	
Habeas corpus with cause.	
Surrender of prisoner.	
Attending a view.	
Attaching ship, etc.	

same, as the officer issuing the warrant shall certify to be reasonable; for making and returning an inventory and appraisal to the appraisers, one dollar for each day actually employed, and fifty cents for each half day; and for drafting the inventory, twenty-five cents for each folio, and for copying the same six cents for each folio. For selling any ship, boat or vessel, or the tackle, apparel and furniture thereof so attached, and for advertising such sale, the same fees as for sales on execution. For giving notice of a general or special election to the inspectors of the different townships and wards of his county, fifty cents for each township or ward, and the expenses of publishing such notice as required by law, such fees and expenses to be paid by the county, as other contingent expenses thereof; for any services which may be rendered by a constable, the same fees as are allowed by law for such services to a constable; for attending the supreme court by the order of the court, two dollars and fifty cents for each day, to be allowed by the Auditor General, on the certificate of the clerk, and paid out of the State treasury; for attending a circuit court, by the order of the court, one dollar and fifty cents for each day, except in the counties of Wayne and Kent, where it shall be two dollars and fifty cents for each day, to be allowed and paid by the county, in the same manner as other contingent charges of the county; for summoning grand or petit jurors to attend the circuit court, fifty cents for each juror summoned; serving a subpoena for witnesses, fifteen cents for each witness summoned, and ten cents for each mile actually traveled, in going only, but when two or more witnesses live in the same direction, traveling fees shall be charged only from the furthest; keeping and providing for a debtor in jail, in all cases where the debtor is unable to support himself, fifty cents for each day, to be paid by the creditor each week, in advance, and which sum the creditor shall be entitled to recover from the debtor; for mileage on every execution collected, ten cents per mile, for going only, to be computed from the court-house of his county; for selling lands on the foreclosure of a mortgage by advertisement, and executing a deed to the purchaser, and for all services required on such sale, three dollars. And any sheriff or other officer who shall demand or receive any greater fees or compensation for performing any of the services hereinbefore mentioned than is hereinbefore allowed, shall, in addition to all other liabilities now provided by law, be liable to the party injured, or paying such illegal fees, in three times the amount so demanded, received or paid, together with all costs of suit or prosecution; and any sheriff or other officer neglecting or refusing to perform any of the services required by this act, after the fees specified have been tendered, shall be liable to the party injured for all damages which he may sustain by reason of such neglect or refusal.

SEC. 2. This act shall take immediate effect.

Approved April 14, 1877.

Appraisal.

Selling ship.

Notice of election.

Constable.

Supreme court.

Circuit court, except Wayne and Kent.

Summoning jurors.

Serving subpoena.

Debtor's board.

Mileage on executions.

Sale on foreclosure.

Penalty for overcharge.

[No. 51.]

AN ACT to amend section four of chapter one hundred and sixty-three of the compiled laws of eighteen hundred and seventy-one, being compiler's section four thousand five hundred and forty-eight, relative to publication of notices of sales by executors.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four of chapter one hundred and sixty-three of the compiled laws of eighteen hundred and seventy-one, being compiler's section four thousand five hundred and forty-eight, be and the same is hereby amended to read as follows :

Copy of order to
be served or
published.

(4548.) SEC. 4. A copy of such order to show cause shall be personally served on all persons interested in the estate at least fourteen days before the time appointed for hearing the petition, or shall be published at least three successive weeks in such newspaper as the court shall order: *Provided, however*, If all persons interested in the estate shall signify in writing their assent to such sale, the notice may be dispensed with.

Approved April 14, 1877.

[No. 52.]

AN ACT to amend section eight of chapter two hundred and six, being compiler's section six thousand five hundred and sixty-seven of the compiled laws of eighteen hundred and seventy-one, relating to surrender of corporate rights.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section eight of chapter two hundred and six, being compiler's section six thousand five hundred and sixty-seven of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows :

Surrender of
corporate rights.

(6567.) SEC. 8. Whenever any incorporated company shall have remained insolvent for one whole year, or for one year shall have neglected or refused to pay and discharge its notes, or other evidence of debt, it shall be deemed to have surrendered the rights, privileges, and franchises granted by any act of incorporation, or acquired under the laws of this State, and shall be adjudged to be dissolved.

Approved April 14, 1877.

[No. 53.]

AN ACT to provide for the better support of Teachers' Institutes, and to repeal sections three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety, and three thousand seven hundred and ninety-one of the compiled laws of eighteen hundred and seventy-one.

Fee for license to
teach.

SECTION 1. *The People of the State of Michigan enact*, That all school boards or officers, authorized by law to examine applicants

for license to teach, or to give certificates of qualification to teachers, shall collect from each male applicant receiving a certificate, a fee of one dollar, and from each female applicant receiving a certificate, a fee of fifty cents, to be used as hereinafter provided; *Provided*, That no teacher shall be required to pay said fee more than once in any school year.

SEC. 2. All such fees received by the examiner shall be paid over to the county treasurer of the county in which they are collected, on or before the first day of January, April, July, and October, in each year, accompanied by a list of those persons to whom certificates have been granted; and all moneys so paid over to the county treasurers shall be set apart as a fund, to be known as an institute fund, for the support of teachers' institutes, as hereinafter provided.

SEC. 3. The Superintendent of Public Instruction shall annually appoint a time and place in each organized county for holding a teachers' institute, make suitable arrangements therefor, and give due notice thereof: *Provided*, That in organized counties having less than one thousand children between the ages of five and twenty years, the holding of such institute shall be optional with the said superintendent, unless requested to hold such institute by fifteen teachers of the county in which such institute is to be held: *Provided, however*, That if there shall not be a sufficient number of teachers in any county to make such request, then teachers of adjoining counties who desire to attend such institute, may unite in the required application to said superintendent.

SEC. 4. Said superintendent, in case of inability personally to conduct any institute, or to make the necessary arrangements for holding the same, is authorized to appoint some suitable person for that purpose.

SEC. 5. For the purpose of defraying the expenses of rooms, fires, lights, or other necessary charges, and for procuring teachers and lecturers, the said superintendent, or the person duly authorized by him to conduct said institute, shall require a registration fee of fifty cents from all persons attending as members of said institute, who have not paid the fee required in section one of this act, which sums shall be placed to the credit of the county institute fund, and shall be accounted for as hereinafter provided, and said superintendent or conductor may demand of the county clerk who shall thereupon draw an order on the county treasurer of the county in which said institute is appointed, for such sum, not exceeding the amount of the institute fund, as may be necessary to defray the expenses of said institute; and the treasurer of said county is hereby required to pay over to said superintendent or duly appointed institute conductor, from the institute fund in his hands, the amount of said order.

SEC. 6. In case the institute fund in any county shall be insufficient to defray the necessary expenses of any institute held under the provisions of this act, the Auditor General shall, upon the certificate of the superintendent that he has made arrangements for holding such institute, and that the county institute fund is insuffi-

cient to meet the expenses thereof, draw his warrant upon the State treasurer for such additional sum as said superintendent shall deem necessary for conducting such institute; which sum shall not exceed sixty dollars for each institute of five days' duration, and shall be paid out of the general fund.

Yearly State
institute.

SEC. 7. The superintendent is authorized to hold, once in each year, an institute for the State at large, to be denominated a State institute; and for the purpose of defraying the necessary expenses of such institute, the Auditor General shall, on the certificate of said superintendent that he has made arrangements for holding such institute, draw his warrant upon the State treasurer for such sum as said superintendent shall deem necessary for conducting such institute, which sum shall not exceed four hundred dollars, and shall be paid out of the general fund: *Provided*, That not more than eighteen hundred dollars shall be drawn from the treasury, or any greater liability incurred in any one year, to meet the provisions of this act.

Vouchers for
payments.

SEC. 8. The Superintendent of Public Instruction, or the conductor of the institute by him appointed, drawing money from the county treasurer, under section five of this act, shall, at the close of each institute, furnish to the county treasurer, vouchers for all payments from the same in accordance with this act, and he shall return to the county treasurer whatever of the amount that may remain unexpended, to be replaced in the institute fund.

Acts repealed.

SEC. 9. An act entitled "An act to establish teachers' institutes," approved February tenth, eighteen hundred and fifty-five, as amended by act two hundred and thirty-nine, session laws of eighteen hundred and sixty-one, being compiler's sections three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety, and three thousand seven hundred and ninety-one, of the compiled laws of eighteen hundred and seventy-one, are hereby repealed.

SEC. 10. This act shall take immediate effect.

Approved April 14, 1877.

[No. 54.]

AN ACT to provide for the incorporation of reform club temperance societies within this State.

Who may incor-
porate.

SECTION 1. *The People of the State of Michigan enact*, That reform club temperance societies may be incorporated in pursuance of the provisions of this act.

Incorporation.

SEC. 2. Any ten or more persons, residents of this State, and members of any society of the "Reform club temperance society" of the State of Michigan, desirous to become incorporated, may, on the consent of said society, make and execute articles of association, under their hands and seals, which said articles of association shall be acknowledged before some officer of this State having authority to take acknowledgments of deeds, and shall set forth,—

Articles of asso-
ciation.

First, The names of the persons associating in the first instance, and their places of residence; What to set forth.

Second, The name and location of the society of which they are members;

Third, The corporate name by which such association shall be known in the law;

Fourth, The object and purposes of such association, which shall be to promote the general welfare of the fraternity known as the "Reform club temperance society," and the period for which it is incorporated, not exceeding thirty years.

SEC. 3. A copy of said articles of association, together with a copy of the charter or constitution of which the persons executing said articles are members, shall be filed and recorded in the office of the Secretary of State, and a duplicate of said articles shall be filed with the county clerk of the county in which such corporation shall be formed and located, and shall be recorded at length by such clerk in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association; and by that name they and their successors shall have succession, and shall be persons in law capable to purchase, take, receive, hold, and enjoy, to them and their successors, estates real and personal, of suing and being sued; and they and their successors may have a common seal, which may be changed and altered at their pleasure: *Provided*, That the value of their real and personal estate shall not exceed the sum of fifty thousand dollars, and that they and their successors shall have authority and power to give, grant, sell, lease, devise, mortgage, and dispose of said real and personal estate, or any part thereof, at their will and pleasure, and the proceeds, rents, and increase shall be devoted exclusively to the charitable and benevolent purposes of the reform club temperance society. Said corporation shall have full power and authority to make and establish rules, regulations, and by-laws for regulating and governing all the affairs and business of said corporation not contrary to the laws of this State and the United States, and to designate, elect, or appoint from among their members such officers, under such names and style as shall be in accordance with the constitution or charter of said society, who shall have the supervision, control, and management of the affairs of said corporation.

SEC. 4. A copy of the record of such articles of association, under the seal of the county clerk where the said record is kept, and duly certified to by him, shall be received as *prima facie* evidence in all the courts of this State of the existence and due incorporation of such societies.

SEC. 5. Any corporation formed in pursuance of this act may erect and own such suitable edifices, building, or hall as such corporation shall deem proper, with convenient rooms for the meeting of the fraternity of reform club temperance societies, and for that purpose may create a capital stock of not more than fifty thousand

Copy of articles of association and copy of charter to be filed with Secretary of State and duplicate with county clerk.

Body corporate.

May hold estates.

Proviso—limit as to amount.

Power to establish rules and regulations.

Copy of record evidence.

May erect and own buildings.

Cemetery.

dollars; and any such corporation may take, purchase, hold, and own a suitable lot or parcel of ground in any lawfully established cemetery, for the interment of the deceased members of said corporation.

Subject to provisions of chapter seventy-three of compiled laws.

SEC. 6. All corporations formed under the provisions of this act shall be subject to the provisions of chapter seventy-three of the compiled laws of this State, so far as the same may be applicable to corporations formed under this act, and the Legislature may alter or amend this act at any time.

SEC. 7. This act shall take immediate effect.

Approved April 14, 1877.

[No. 55.]

AN ACT to amend section five of chapter twenty-six of the compiled laws of eighteen hundred and seventy-one, being the compiler's section one thousand two hundred and fifty-six, relative to highways.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section five of chapter twenty-six of the compiled laws of eighteen hundred and seventy-one, being compiler's section one thousand two hundred and fifty-six, be and the same is hereby amended so as to read as follows:

Width of public roads.

(1256.) SEC. 5. Public roads to be laid out according to the provisions of this act, shall not be less than four rods wide, except in cities or villages where the commissioners or other proper authorities may otherwise determine. Private roads shall not be less than one rod in width; and upon application of any person or persons wishing the same, the commissioners or other proper authorities shall have power to lay out, alter, or discontinue such roads, according to the provisions of this act, except section one hereof: *And*

Private roads.

Expenses, etc., how paid.

provided, That all the expenses and damages arising therefrom shall be paid by the person or persons making application therefor: *And provided further*, That whenever any public roads shall be hereafter opened in either of the townships of Hamtramck, Greenfield, or Springwells, in the county of Wayne, in the line of any public street, avenue, or way in the city of Detroit, extended, the said commissioners, or other proper authorities of said townships, are authorized to lay out such public road in width to correspond with such street, avenue, or way in said city, of which the said public road is an extension.

Certain exceptions in Wayne county.

SEC. 2. This act shall take immediate effect.

Approved April 19, 1877.

[No. 56.]

AN ACT to amend sections one thousand six hundred and ninety-two and one thousand six hundred and ninety-three, chapter forty-six, of the compiled laws of eighteen hundred and seventy-one, relative to boards of health and health officers in townships.

The People of the State of Michigan enact, That sections one thousand six hundred and ninety-two and one thousand six hundred and ninety-three, chapter forty-six, of the compiled laws of eighteen hundred and seventy-one, be and the same are hereby so amended as to read as follows:

(1692.) SECTION 1. In every township the township board shall be the board of health. The supervisor shall be the president, and the township clerk shall be the clerk of said board. The clerk shall keep a record of the proceedings of the board in a book to be provided for that purpose at the expense of the township.

(1693.) SEC. 2. Every township board of health shall appoint and constantly have a health officer of the township, who shall, where practicable, be a physician and sanitary adviser, and an executive officer of the board: *Provided,* That in townships where it is not practicable to secure the services of a well educated and suitable physician, the board may appoint the supervisor or some other person as such health officer. The board of health shall establish his salary or other compensation, and shall regulate and audit all fees and charges of persons employed by them in the execution of the health laws and of their own regulations. Within thirty days after the annual township meeting in each year, the board of health shall meet for the transaction of business and shall appoint or re-appoint a health officer, and shall immediately cause to be transmitted to the Secretary of the State Board of Health, at Lansing, the full name and postoffice address of such health officer, and a statement whether he is a physician, the supervisor, or some other person not a physician. A special meeting of the board may be called by the order of the president or of any two members of said board.

SEC. 1. This act shall take immediate effect.

Approved April 20, 1877.

[No. 57.]

AN ACT authorizing the mortgagee or his legal representatives to purchase property on sale by foreclosure, under chattel mortgages.

SECTION 1. *The People of the State of Michigan enact,* That at any sale of property upon foreclosure of a chattel mortgage, the mortgagee or his assigns, or his or their legal representative, may fairly and in good faith purchase the property so offered for sale, or any part thereof.

SEC. 2. This act shall take immediate effect.

Approved April 20, 1877.

[No. 58.]

AN ACT for the incorporation of eclectic medical societies.

Purposes for which corporation may be organized.

SECTION 1. *The People of the State of Michigan enact, That* corporations may be organized under the provisions of this act for the acquisition and dissemination of knowledge pertaining to medicine, surgery, obstetrics, and hygiene, the elevation of the standard of professional education, and the association of the members of the eclectic medical profession for mutual recognition and fellowship.

Who may be incorporated.

SEC. 2. That any nine or more persons who shall be practitioners of medicine and surgery in accordance with the eclectic system, and who shall be residents of the State of Michigan, who shall have received the degree of doctor of medicine from any medical school or college legally empowered to confer such degree, who may desire to become incorporated for the purpose set forth in section one, may execute under their hands, and acknowledge before some person within this State authorized to take the acknowledgment of deeds, one or more duplicate articles of agreement, as hereinafter specified; one copy whereof shall be filed and recorded in the office of the Secretary of State, and a record shall be made of such articles, or a certified copy thereof, in the clerk's office of the county in this State in which the office of said association, for the transaction of business, may be located; and upon the execution and acknowledgment of such articles, the signers thereof, and those who may thereafter become associated with them, shall become a body politic and corporate for the purposes set forth in such articles.

Articles of agreement.

Where filed and recorded.

What articles to contain.

SEC. 3. The articles of such association shall contain,—

First, The names of the persons associating in the first instance, and their places of residence;

Second, The name of such corporation and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years: *Provided,* That the location of the office of any such corporation may be changed from time to time by a two-thirds vote of the members present at any regular meeting, and upon filing notice of such change in the office of the Secretary of State;

Third, The object for which it is organized;

Fourth, The number of directors and regular officers, and the time and place for holding its first annual meeting: *Provided, however,* That any such association may, in its articles of association or by-laws, provide for and appoint other meetings thereof than the annual meeting, to be held when and where the association may from time to time designate and appoint: *Provided further,* That the time and place for holding the annual meeting of any such corporation, after the first one thereof, may be changed from year to year in such manner as the articles and by-laws may prescribe;

Fifth, The terms and conditions of membership therein: *Provided,* That any such association may, if it so specifies in the articles of association thereof, admit as a member thereof subsequent to its

becoming incorporated, any person who has sustained a reputable practice in the State of Michigan or elsewhere as a physician and surgeon for ten years, with at least one year's previous study in the office of a reputable physician, or one collegiate year in a reputable medical school or college, and who satisfies the association thereof in such way as it may prescribe: *Provided further*, That the terms and conditions of admission to membership in such associations, after the incorporation thereof, shall at all times conform to and be governed by the law of this State, if any there may be, regulating the practice of medicine and surgery.

SEC. 4. The affairs of said corporation shall be managed by not less than five or more than nine directors, to be chosen with the other regular officers thereof, for such period and in such manner as the articles of such association shall provide, and who shall hold their offices until their successors are chosen and qualified. The officers shall be chosen by ballot, and the articles of association by-laws of such corporation may be amended by the association as the articles or by-laws may prescribe, not inconsistent with said articles of association. *Provided*, That in case the articles of association are amended, a copy of such amendment articles shall be filed in the office of the Secretary of State. All officers and members of such corporation shall be residents of the State of Michigan: *Provided*, That honorary memberships may be conferred on residents and non-residents of this State, on such terms and conditions as the articles of association may prescribe, not inconsistent with the terms of this act.

Number of directors.

Officers chosen by ballot.

Amending articles of association.

SEC. 5. No such corporation shall have power to take or hold any real estate, except such as may be necessary for the transaction of its business.

Power to hold real estate.

SEC. 6. All the funds received by such corporation shall be used in the first instance, or shall be invested, and the income thereof used, after paying necessary expenses, for the exclusive purpose set forth in the articles of association; and no portion of the funds of any such corporation shall be used or contributed towards the erection, completion, or furnishing of any building not owned or used by said corporation. Such corporation may take by gift, purchase, or devise property (exclusive of that actually used and necessary for the transaction of its business) to an amount not exceeding fifty thousand dollars, and it shall be lawful to invest the same upon mortgage, or in or by loan on railroad stocks or bonds, or any city, county, State, or government securities, or deposit it at some bank, or with any broker in this State, upon such bank or broker giving sufficient security for the repayment thereof: *Provided*, That any such corporation may, in its articles of agreement, specify the kind of securities in which its funds shall be invested, and that no part of its funds shall be invested in any securities other than those named in its articles, or when the securities shall not be specified in the articles of agreement, then such funds shall only be invested in such securities as are specified in this act.

Funds, how used.

May take property by gift, etc.

Property, how invested.

Provide.

SEC. 7. No two such associations incorporated under this act shall transact business under or by the same name.

But one association of same name.

State associ-
ations.

SEC. 8. Should any State association or associations be organized under this act, it shall be the duty of the secretary thereof to compile a printed report of the transactions of said association, including copies of papers read at its meetings, reports of facts collected, discoveries made and experience gained, at the end of the month of December of each year; one copy of which said printed reports shall be deposited in the office of the Secretary of State, one in the State Library, one in the library of the State Board of Health, and at least one retained in the office of said association.

SEC. 9. This act shall take immediate effect.

Approved April 20, 1877.

[No. 59.]

AN ACT to provide for the completion and furnishing of "The State House of Correction" at Ionia, and to make an appropriation therefor.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That the sum of one hundred and twenty-one thousand two hundred and fifty-eight dollars be and the same is hereby appropriated for completing and furnishing the State House of Correction at Ionia, to be expended for the following named purposes, to wit: Fifteen thousand dollars for deficit as per report of commissioners; forty-eight thousand dollars for building two wings for cells; eighteen thousand dollars for building work-shops; twenty-seven thousand dollars for building enclosure walls to House of Correction; thirteen thousand dollars for supplying prison with water and gas; nine thousand nine hundred and eight dollars for seating chapel and dining room, furnishing three hundred and twelve cells, for additional wood work, shelving, etc., for furnishing officers' department, and hospital, and dining room; four thousand eight hundred and fifty dollars for engine and putting up the same, additional heating and plumbing, and for hose cart and hose; two thousand two hundred dollars for building barn, stable, ice house, ash house, soap house, and pig pen; two thousand three hundred dollars for horses, cows, pigs, wagons and carts, and for tools; one thousand dollars for fencing grounds; or so much thereof as may be necessary for the foregoing named purposes, which, with the twenty thousand dollars appropriated by act number one of the present session of the Legislature, approved January thirteenth, one thousand eight hundred and seventy-seven, makes one hundred and forty-one thousand two hundred and fifty-eight dollars, which sums are intended to complete and furnish the State House of Correction for occupancy. The aforesaid sum of one hundred and forty-one thousand two hundred and fifty-eight dollars shall be incorporated by the Auditor General in the State tax as follows: Seventy-one thousand two hundred and fifty-eight dollars in the tax for the year eighteen hundred and seventy-seven, which sum includes the twenty thousand dollars appropriated by act num-

ber one as aforesaid, and seventy thousand dollars for the year eighteen hundred and seventy-eight.

SEC. 2. The Governor and the board of managers appointed by Board of control. him for the government of said House of Correction shall constitute a board whose duties shall partly consist in supervising and controlling all matters pertaining to the completing and furnishing of said House of Correction, and shall have authority to employ a superintendent of construction at such compensation as the Governor shall Superintendent. approve, whose salary shall be paid out of the amount hereby ap- Salary. propriated, and who shall have charge, under the direction of the board of managers, of superintending the construction thereof. And the said board of managers shall have authority to contract for Authority of board. material and labor to be used in completing said House of Correction and for furnishing the same; and they shall have authority to use the labor of any inmate confined in said House of Correction for the completion thereof: *Provided*, That the managers or any of the Prohibition as to managers, etc. employes shall not be interested in the labor or in purchasing of any supplies used in finishing or furnishing the same; and no manager shall draw pay as manager and superintendent at the same time.

SEC. 3. All moneys appropriated under this act shall be drawn Money, how drawn. and accounted for as provided by act number one hundred and forty-eight of the session laws of eighteen hundred and seventy-three, entitled "An act relating to the accounting for money received and expended by certain officers," approved April twenty-four, eighteen hundred and seventy-three.

SEC. 4. The Auditor General is hereby authorized to draw from Auditor General may draw from general fund. the general fund such amounts of money within this appropriation as may be necessary to carry forward the said House of Correction to completion, and for the furnishing of the same. The amount so drawn shall be considered as an advance upon the appropriations made by this act, and all such amounts shall be deducted from said State House of Correction fund, and to be returned to the general fund when such taxes as are provided for in section one of this act shall be paid into the State Treasury.

SEC. 5. This act shall take immediate effect.

Approved April 20, 1877.

[No. 60.]

AN ACT to detach the county of Barry from the seventeenth judicial circuit, and attach the same to the fifth judicial circuit.

SECTION 1. *The People of the State of Michigan enact*, That the County of Barry detached from seventeenth circuit. county of Barry be detached from the seventeenth judicial circuit, and that the county of Kent constitute the seventeenth judicial circuit.

SEC. 2. That the county of Barry be attached to and form a Attached to fifth circuit. part of the fifth judicial circuit.

SEC. 3. That the Judge of the seventeenth judicial circuit shall Judge of seventeenth circuit continued in office. continue to hold his office as judge of said circuit, as reorganized,

for the remainder of his unexpired term, and until his successor is elected and qualified.

Judge of fifth
circuit continued
in office.

SEC. 4. That the judge of the fifth judicial circuit shall continue to hold his office as judge of said circuit, as herein reorganized, for the remainder of his unexpired term, and until his successor is elected and qualified.

Judges to fix
times for holding
court, etc.

SEC. 5. The judges of said judicial circuits shall have power to fix the times for holding the terms of courts in the county or counties of their respective circuits, and to give the general notice thereof through the newspapers; and they shall hold the terms of court therein at the times so fixed, but until so fixed shall hold them at the times now appointed; and shall have jurisdiction of all judgments, decrees, records, files, books, papers, suits, prosecutions, causes and proceedings pending, and being in the circuit courts for the county or counties comprising the respective circuits.

To hold at times
now appointed
until fixed.
Jurisdiction.

SEC. 6. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Acts repealed.

SEC. 7. This act shall take immediate effect.

Approved April 20, 1877.

[No. 61.]

AN ACT to amend section sixteen of chapter nine of the compiled laws of eighteen hundred and seventy-one, being compiler's number four hundred and forty-six, relating to county buildings, and furnishing same.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section sixteen of chapter nine, being section four hundred and forty-six of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

Each county to
provide suitable
buildings.

(446). SEC. 16. Each organized county shall, at its own cost and expense, provide at the county seat thereof a suitable court house and a suitable and sufficient jail and fire-proof offices, and all other necessary public buildings, and keep the same in good repair.

Approved April 20, 1877.

[No. 62.]

AN ACT relative to the acknowledgment of deeds and other instruments affecting real property by married women.

Acknowledg-
ment, by married
women.

SECTION 1. *The People of the State of Michigan enact*, That hereafter the acknowledgment of any married woman to a deed of conveyance or other instrument affecting real property, may be taken in the same manner as if she were *sole*.

Acknowl-
edgment after
August 4, 1878.

SEC. 2. Any acknowledgment of any married woman to a deed of conveyance or other instrument affecting real property taken since the fourth day of August, in the year of our Lord one

thousand eight hundred and seventy-five, in the same manner as if such married woman had been *sole*, is hereby declared valid and effectual for all intents and purposes, and shall be so held in all courts and places.

SEC. 3. This act shall take immediate effect.

Approved April 20, 1877.

[No. 63.]

AN ACT to establish the weight of a bushel of apples.

SECTION 1. *The People of the State of Michigan enact*, That whenever apples are bought or sold by weight forty-eight pounds shall constitute a bushel.

Approved April 20, 1877.

[No. 64.]

AN ACT to amend section one of chapter sixty-four, compiled laws of eighteen hundred and seventy-one, as amended by act number forty-six of the session laws of eighteen hundred and seventy-three, as amended by act number two hundred and one of the session laws of eighteen hundred and seventy-five, approved May third, eighteen hundred and seventy-five, relative to the preservation and protection of game.

SECTION 1. *The People of the State of Michigan enact*, That section one, of chapter sixty-four, of the compiled laws of eighteen hundred and seventy-one, being compiler's section two thousand and ninety-three, as amended by act number forty-six of the session laws of eighteen hundred and seventy-three as amended by act number two hundred and one of session laws of eighteen hundred and seventy-five, and approved May third, eighteen hundred and seventy-five, be amended so as to read as follows: Section amended.

(2093.) SEC. 1. That no person or persons shall pursue, or hunt, or kill any wild elk, wild buck, doe, or fawn, save only in the Upper Peninsula, from the first day of August to the fifteenth day of November, and in the Lower Peninsula from the fifteenth day of September, to the fifteenth day of December in each year, or kill or destroy by any means whatever, or attempt to take or destroy any wild turkey, at any time during the year, except in the months of October, November and December in each year, or kill or destroy by any means whatever, any woodcock between the fifth day of July and the first day of January, or any prairie chicken, or pinnated grouse, ruffed grouse, commonly called partridge or pheasant, or any wood duck, teal duck, mallard duck, or gray duck, When game may be hunted. save only from the first day of September in each year, to the first day of January next following.

SEC. 2. This act shall take immediate effect.

Approved April 21, 1877.

[No. 65.]

AN ACT to amend section thirteen of chapter one hundred and fifty-one, being compiler's section four thousand two hundred and eighty-one of the compiled laws of eighteen hundred and seventy-one, relative to estates in dower.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section thirteen of chapter one hundred and fifty-one, being compiler's section four thousand two hundred and eighty-one of the compiled laws of eighteen hundred and seventy-one, relative to estates in dower, be and the same is hereby amended so as to read as follows :

How dower may
be barred.

(4281.) SEC. 13. A married woman residing within this State may bar her right of dower in any estate conveyed by her husband or by his guardian, if he be under guardianship, by joining in the deed of conveyance and acknowledging the same as prescribed in the preceding chapter, or by joining with her husband in a subsequent deed, acknowledging in like manner; or by deed executed by the wife alone to one who has theretofore acquired and then holds the husband's title, provided the intent to bar her right of dower shall be expressed in said deed.

Approved April 21, 1877.

[No. 66.]

AN ACT to amend sections three and fourteen of act number eighty-two of session laws of eighteen hundred and seventy-three, approved April fifteen, eighteen hundred and seventy-three, entitled "An act to provide for the incorporation of mutual fire insurance companies, and defining their powers and duties; and to repeal chapter ninety-seven of the compiled laws of eighteen hundred and seventy-one, and also act ninety-four of the session laws of eighteen hundred and seventy-one," approved April twelve, eighteen hundred and seventy-one.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections three and fourteen of act number eighty-two of the session laws of eighteen hundred and seventy-three, be amended so as to read as follows :

Corporation may
open books to
receive propo-
sitions, etc.

Business limited
to three con-
tiguous counties.

When business
may be com-
menced.

SEC. 3. The persons so associating, after having filed the statement and published the notice as aforesaid, may open books to receive propositions and enter into agreements in manner hereinafter specified, but no company organized under this act shall do any business or take any risks or make any insurance in more than three counties in this State, which counties shall be contiguous, and shall be named and set forth in their charter. No insurance company organized as aforesaid shall commence business until *bona fide* agreements have been entered into for insurance with at least one hundred individuals, covering property to be insured to the amount of not less than fifty thousand dollars.

SEC. 14. Any such company formed under this act shall have power to amend its articles of association or charter at the regular annual meeting held according to the provisions of said charter or articles of association, and upon giving a notice of an intention so to do, and of the time and place of meeting for that purpose; such notice shall be published for five successive weeks in some newspaper of general circulation published weekly, in the county or counties where such company does business. Any company heretofore organized under this act may amend its charter or articles of association at a special meeting called for that purpose, in accordance with the provisions of its charter, and by giving the notice of intention as provided in this section. Said amendments shall be submitted to the Attorney General, and his certificate of compliance with the law obtained; and said amendments shall be filed in the office of the Commissioner of Insurance, and also with the clerk of the county in which the office of the company is located.

Companies may amend articles of association.

May amend at special meetings.

Amendments to be submitted to Attorney General.

SEC. 2. This act shall take immediate effect.

Approved April 23, 1877.

[No. 67.]

AN ACT relative to the organization of the meetings of the Legislature.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the Secretary of State, on the day prior to any regular session of the Legislature, to deliver to the secretary, or in case of his death or inability, then to the assistant secretary of the preceding Senate, also to the clerk, or in case of his death or inability, then to the journal clerk of the next preceding House of Representatives, a true and correct list of all the members elect of each house, as transmitted to him by the clerks of the several counties of the State, and in such list, shall designate the Senators and Representatives by their respective districts.

Secretary of State to deliver list of members to Secretary of Senate and Clerk of House.

SEC. 2. The members elect of the Senate and House of Representatives shall convene in their respective Houses at the State House at Lansing, at twelve o'clock noon, on the first Wednesday of January next succeeding their election, and proceed to the organization of their respective Houses, in accordance with the provisions of this act, and no other business shall be in order until they shall have completed such organization.

When Legislature shall convene.

SEC. 3. In case the Lieutenant-Governor is absent, or unable to perform the duties of his office, it shall be the duty of the secretary of the preceding Senate, to call to order, and preside over the Senate, until the Lieutenant-Governor appears, or a president *pro tempore* is elected, and such secretary shall act as secretary of the Senate until his successor is elected; and in calling the roll of the Senate before the permanent organization thereof, for any purpose whatever, he shall call all the names appearing upon the list delivered to him by

Organization of the Senate.

the Secretary of State, as provided for in the preceding section, and he shall not call any other or different names.

Organization of the House.

SEC. 4. It shall be the duty of the clerk of the next preceding House of Representatives to call to order and preside over the House until a speaker, or speaker *pro tempore*, is elected, and he shall act as clerk of the House until his successor is elected; and in calling the roll of the House before the permanent organization thereof for any purpose whatever, he shall call all the names appearing upon the list delivered to him by the Secretary of State, as provided in the first section of this act, and he shall not call any other or different names.

In case of vacancy in office of Secretary of Senate or Clerk of House, who to act.

SEC. 5. In case of a vacancy in the office of the Secretary of the Senate, or clerk of the House, or of the absence or inability of either to perform the duties imposed by this act, such duties shall devolve upon the assistant secretary of the Senate or journal clerk of the House of the next preceding Senate or House of Representatives.

Who may administer oath of office.

SEC. 6. In case the President of the Senate or one of the Judges of the Supreme Court cannot attend to administer the oath of office, the officers required by this act to organize meetings of the Legislature are hereby authorized to administer the oath of office prescribed by the Constitution of this State, to the members elect of their respective Houses.

Approved April 25, 1877.

[No. 68.]

AN ACT to restrict the payment of contracts payable in swamp lands of the Upper Peninsula to the lands in the county in which the work done under the contract is performed.

Lands to be selected in counties where work is done.

SECTION 1. *The People of the State of Michigan enact, That* in all contracts hereafter made payable in lands in the Upper Peninsula, the contractor or his assignees shall only be allowed to select lands in the county in which the work contracted for was performed.

When work to be done in more than one county.

SEC. 2. In case of contracts for work to be done in more than a single county, the work in each county shall be specifically stated in the contract, and shall be paid for in the lands lying in the county in which it is performed.

Approved April 25, 1877.

[No. 69.]

AN ACT relative to the proof of copartnership in certain cases.

How proof may be made.

SECTION 1. *The People of the State of Michigan enact, That* in any suit or proceeding hereafter instituted in any of the courts of this State, wherein it shall become material or necessary to prove the copartnership of any firm or association the plaintiffs may cause to be served upon the defendant, with a copy of the declara-

tion filed in the cause, or with the process by which suit is commenced, an affidavit stating that the plaintiffs were the persons comprising such partnership at the time the contract in question was made, or the cause of action accrued; and such affidavit shall be *prima facie* evidence of such existence of such partnership or association, unless the defendant shall file with his plea an affidavit denying the existence of such partnership or association.

Approved April 25, 1877.

[No. 70.]

AN ACT for the more effectual prevention of cruelty to animals.

SECTION 1. *The People of the State of Michigan enact, That* whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates, or cruelly kills, or causes or procures to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated, or cruelly killed, any animal, and whoever having the charge or custody of any animal, either as owner or otherwise, inflicts unnecessary cruelty upon the same, or willfully fails to provide the same with proper food, drink, shelter, or protection from the weather, shall, for every such offense, be punished by imprisonment in jail not exceeding three months or by fine not exceeding one hundred dollars, or by both such fine and imprisonment. Acts deemed cruel.

SEC. 2. Any person who shall keep or use any bull, bear, dog, cock, or other animal or fowl, or bird for the purpose of fighting, or baiting, or as a target, or to be shot at, either for amusement or as a test of skill in marksmanship; and any person who shall be a party to, or be present as a spectator at any such fighting, baiting, or shooting of any bear, dog, cock, or other animal or fowl, or bird; and any person who shall rent any building, shed, room, yard, ground, or premises for the purpose of fighting, baiting, or shooting any animal, fowl, or bird, as aforesaid, or shall knowingly suffer or permit the use of any building, shed, room, yard, ground, or premises belonging to him or under his control for either or any of the purposes aforesaid, shall, on conviction thereof, be adjudged guilty of a misdemeanor. Penalty.

SEC. 3. Every owner, possessor, or person having the charge or custody of any animal, who cruelly drives or works the same when unfit for labor, or who shall carry, or cause to be carried on or upon any vehicle, or otherwise, any live animal having the feet or legs tied together, or in any other cruel and inhuman manner, or shall abandon any maimed, sick, infirm, or disabled animal to die in any public place, or who shall carry or cause to be carried any live animal in or upon any vehicle, or otherwise, without providing suitable racks, cars, crates, or cages, in which such animals may stand, or lie down during transportation, and whilst awaiting slaughter, such person shall, upon conviction thereof, be adjudged guilty of a Keeping or using animals or fowls for fighting, etc., prohibited.

Further acts deemed cruel.

Penalty. misdemeanor, and shall be punished for every such offense in the manner provided in section one of this act.

Limit of time animals may be confined on railroad cars.

SEC. 4. No railroad company, in the carrying or transportation of animals, shall permit the same to be confined in cars for a longer period than twenty-eight consecutive hours without unloading the same for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented from so unloading by storm, or other accidental causes. In estimating such confinement, the time during which the animals have been confined without rest, on connecting roads from which they are received shall be included, it being the intention of this act to prevent their continuous confinement beyond the period of twenty-eight hours, except on contingencies hereinbefore stated. Animals so unloaded shall be properly

Animals unloaded to be fed, etc.

fed, watered, and sheltered during such rest, by the owner or person having the custody thereof, or, in case of his default in so doing, then the railroad company transporting the same, at the expense of said owner or person in custody thereof; and said company shall in such case have a lien upon such animals for food, care, and custody furnished, and shall not be liable for any detention of such animals authorized by this act. Any company, owner or custodian of such animals, who shall fail to comply with the provisions of this section, shall, for each and every such offense, be liable for, and forfeit, and pay a penalty of not less than one hundred nor more than five hundred dollars: *Provided, however,* That when animals shall be carried in cars in which they can and do have proper food, water, space, and opportunity for rest, the foregoing provisions in regard to their being unloaded shall not apply.

Penalty.

Proviso.

Arrest of persons violating provisions of this act and seizure of animals.

SEC. 5. Persons found violating any of the provisions of this act may be arrested and held without warrant, in like manner as in the case of persons found breaking the peace, and it shall be the duty of the person making the arrest to seize all animals and fowls found in the keeping or custody of the person arrested, and which are then being used, or held for use in violation of any of the provisions of this act, and the person making such seizure shall cause such animals or fowls to be at once delivered to a pound-master of the town, village, or city in which the same may be, and it shall be the duty of such pound-master to receive such animals or fowls, and to hold the same and proceed in regard to them in all respects as provided by law in other cases of animals impounded,

Animals seized to be delivered to pound-master.

Issuing warrant on complaint.

SEC. 6. When complaint is made, on oath or affirmation, to any magistrate authorized to issue warrants in criminal cases, that the complainant believes that any of the provisions of this act are being, or are about to be violated in any particular building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue and deliver a search warrant to any sheriff, deputy sheriff, constable, or public officer, authorizing him to search such building or place and to arrest any person or persons engaged in violating any of the provisions of this act, as well as any person or persons there present, and aiding or abetting therein, and to bring such person or persons before some magistrate of competent jurisdiction,

to be dealt with according to law. Such officer shall, at the same time, seize and bring to said magistrate every article or instrument found in said building or place especially designed or adapted to torture or inflict wounds upon any animal or to aid in the fighting or baiting of any animal; and unless within ten days after the trial of the person or persons so arrested, the owner of said article or instrument shall show, to the satisfaction of said magistrate, that the same is not designed or adapted to the wounding or torture of animals, or if so designed or adapted, is not intended to be used or employed for such purpose, the magistrate shall destroy such article or instrument.

SEC. 7. Any society incorporated in this State for the purpose of preventing cruelty to animals may designate one or more persons in each county of the State to discover and prosecute all cases of the violation of the provisions of this act; and it shall be the duty of the sheriff of such county to appoint each person so designated a deputy sheriff, provided such person shall be of good moral character, and each person so appointed by the sheriff shall possess all the powers of a sheriff of the county in the enforcement of the provisions of this act. The sheriff, however, shall not be responsible for any of the acts of such person or persons, but the society, if incorporated, and if not, then the officers and members of the society, on the request of which such person was appointed, shall be liable in the degree of a principal for the acts of an agent.

SEC. 8. It shall also be the duty of all sheriffs, deputy sheriffs, constables, policemen, and public officers, to arrest and prosecute all persons of whose violation of the provisions of this act they may have knowledge or reasonable notice, and for each neglect of such duty, the officer so offending shall be deemed guilty of a misdemeanor.

SEC. 9. It shall be the duty of all prosecuting attorneys to represent and prosecute in behalf of the people within their respective counties all cases of offenses arising under the provisions of this act.

SEC. 10. In this act the word "animal" or "animals" shall be held to include all brute creatures, and the words "owner," "person," and "whoever" shall be held to include corporations as well as individuals, and the knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned, or employed by, or in the custody of such corporations, shall be held to be the acts and knowledge of such corporations.

SEC. 11. An act entitled "An act for the more effectual prevention of cruelty to animals," approved April fifteen, eighteen hundred and seventy-one, and act number twenty-five of the session laws of eighteen hundred and seventy-three, approved March twelfth, eighteen hundred and seventy-three, are hereby repealed.

Approved April 25, 1877.

[No. 71.]

AN ACT to provide for replacing conveyances made on judicial sales, and which may have been lost or destroyed.

Provision for
executing and
recording new
deed.

SECTION 1. *The People of the State of Michigan enact*, That whenever it shall be made to appear to any court of record, by petition, duly verified, that a sale of real estate has or may hereafter be made in pursuance of a decree or order, or to satisfy any judgment of such court, and that a deed has been made therein, and said deed has not been recorded in the proper registry of deeds, but has been lost or destroyed, said court, upon due proof of such fact, may, by order to be made in the cause in which such decree, order, or judgment was entered, direct a new deed to be made in place of the said original deed so lost or destroyed; said deed, when executed, may be acknowledged and recorded in the proper registry of deeds, and shall be as valid to convey the interest sold, and it, or the record thereof, shall have the same effect as evidence as said original deed would have.

Who to execute.
Proviso.

SEC. 2. Such new deed shall be executed by the officer who made such sale, or by his successor in office: *Provided*, That in counties having two circuit court commissioners, if the commissioner who made such sale shall not be then in office, either of the then commissioners may be directed to execute the new conveyance: *And*

Further proviso.

provided further, That if such sale shall have been made by an executor, administrator, or guardian, or by any special commissioner appointed for that purpose by any court, the court may direct the person who made such sale to execute such new deed, if he be within the jurisdiction of the court, but if he be dead, or be not within such jurisdiction, the court may appoint some proper person to execute such new deed.

Conveyances to
be made only on
notice of appli-
cation.

SEC. 3. No conveyance shall be made under this act excepting upon notice of the application, which notice shall be by personal service thereof, except where the opposite party or parties are non-residents of the State, in which latter case, the court may order publication of such notice in one or more newspapers published in the county where the court may be held and the land may be situated, for such time as the court may order, not less than once a week for four successive weeks.

Approved April 25, 1877.

[No. 72.]

AN ACT to allow plate glass insurance companies to do business in this State.

Foreign com-
panies may
transact business
in this State.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for companies organized under the laws of other States solely for the purpose of insuring plate glass against loss by accident, to transact such business in this state upon receiving from the Commissioner of Insurance a certificate of authority so to do.

Such companies shall make deposits, file statements, pay taxes, and in all other respects, as far as applicable, comply with the laws which now are or hereafter may be in force relative to life and accident insurance companies transacting business in this State.

Approved April 26, 1877.

[No. 73.]

AN ACT to repeal act number one hundred and sixty-eight of the session laws of eighteen hundred and seventy-three, entitled "An act to provide for the custody and safe keeping of persons who are tried for murder and other high crimes, and are acquitted by reason of insanity," approved April twenty-five, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact*, That Act repealed. act number one hundred and sixty-eight of the session laws of eighteen hundred and seventy-three, entitled "An act to provide for the custody and safe keeping of persons who are tried for murder and other high crimes, and are acquitted by reason of insanity," approved April twenty-fifth, eighteen hundred and seventy-three, be and the same is hereby repealed.

Approved April 26, 1877.

[No. 74.]

AN ACT to limit the pay of supervisors while in attendance upon any special meeting of the board of supervisors.

SECTION 1. *The People of the State of Michigan enact*, That Pay of supervisors at special meeting of board limited to six days. it shall not be lawful for any board of supervisors to audit for payment any claim, bill, or account for services rendered as supervisor while attending any special meeting of the board of supervisors for a longer time than six days at any one such special meeting.

SEC. 2. This act shall not apply to counties having more than ten thousand inhabitants.

SEC. 3. This act shall take immediate effect.

Approved April 26, 1877.

[No. 75.]

AN ACT to define the boundaries of Menominee county.

SECTION 1. *The People of the State of Michigan enact*, That the Boundaries. boundaries of Menominee county shall be as follows: Commencing at the northeast corner of township forty-one (41) north, of range twenty-five (25) west, running thence west along the township line between townships forty-one (41) and forty-two (42) north, to the boundary line of the State in the Menominee river, thence following

the boundary line of the State down said river to its mouth and into Green Bay to the boundary line of the State in Green Bay, thence northeasterly following said boundary line between the States of Michigan and Wisconsin to a point from which the range line, between ranges twenty-three (23) and twenty-four (24) west, extended south from the north shore of Green Bay will intersect the same, thence north along said range line between ranges twenty-three (23) and twenty-four (24) aforesaid, to the northeast corner of township thirty-six (36) north, of range twenty-four (24) west, thence west along the north line of said township thirty-six (36) north, of range twenty-four (24) west, to the east line of range twenty-five (25) west, thence north along the range line between ranges twenty-four (24) and twenty-five (25) west, to the northeast corner of township forty-one (41) north, of range twenty-five (25) west.

SEC. 2. This act shall take immediate effect.

Approved April 26, 1877.

[No. 76.]

AN ACT to amend section ninety-three of chapter ten of the compiled laws of eighteen hundred and seventy-one, being compiler's section five hundred and eighty-three, relative to vacancies in the office of the register of deeds.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section ninety-three of chapter ten of the compiled laws of eighteen hundred and seventy-one, being compiler's section five hundred eighty-three, be amended so as to read as follows:

When judge to appoint person to perform duties of register.

(583.) SEC. 93. If, during a vacancy in the office of the register of deeds, or his absence or inability to perform the duties of his office, there shall be no deputy register, or if such deputy be unable from any cause to perform the said duties, the judge of probate of the county may, by writing under his hand, appoint some suitable person to perform the duties of register of deeds for the time being, who shall take an oath of office, and give such bond as the said judge shall direct and approve.

Approved April 27, 1877.

[No. 77.]

AN ACT to amend compiler's section three thousand six hundred and forty-one of the compiled laws of eighteen hundred and seventy-one, relating to primary school districts, as amended by act number two hundred and thirty of the session laws of eighteen hundred and seventy-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section three thousand six hundred and forty-one of the compiled laws of eighteen hundred and seventy-one, as amended by act num-

ber two hundred and thirty of the session laws of eighteen hundred and seventy-five, approved May third, eighteen hundred and seventy-five, relative to primary schools, be amended so as to read as follows:

(3641.) SEC. 71. The inspectors shall divide the township into such number of school districts as may from time to time be necessary, which districts they shall number, and they may regulate and alter the boundaries of the same as circumstances shall render proper; but no district shall contain more than nine sections of land, and each district shall be composed of contiguous territory, and be in as compact a form as may be; but no land shall be taxed for building a school-house unless some portion of every legal subdivision of said land shall be within two and one-half miles of said school-house site: *Provided*, That no district shall be divided into two or more districts without the consent of a majority of the resident tax-payers of said district, and that no two or more districts be consolidated without the consent of a majority of the resident tax-payers of each district. But this act shall not be construed so as to prevent the detaching of the property of any person or persons by the inspectors from one district and attaching it to another; and no land which has been taxed for building a school-house shall be set off into another school district for the period of three years thereafter, except by the consent of the owner thereof.

Approved April 27, 1877.

[No. 78.]

AN ACT to amend section twenty-one of chapter one hundred and seventy-six of the compiled laws of eighteen hundred and seventy-one, being compiler's section five thousand and fifty-seven, relative to the general powers, duties, and jurisdiction of the circuit court in chancery.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-one of chapter one hundred and seventy-six of the compiled laws of eighteen hundred and seventy-one, and being compiler's section five thousand and fifty-seven, be amended so as to read as follows:

(5057.) SEC. 21. The powers and jurisdiction of the circuit courts in chancery, in and for their respective counties, shall be co-extensive with the powers and jurisdiction of the court of chancery in England, with the exceptions, additions, and limitations created and imposed by the constitution and laws of this State. Said circuit court in chancery shall also have jurisdiction and authority to hear and determine all cases of encroachments upon the public highways, streets, and public alleys in organized townships, incorporated villages, and cities in this State. Such suits may be instituted in the corporate name of such townships, villages, and cities.

Approved April 27, 1877.

[No. 79.]

AN ACT making appropriations for the State Reform School for the years eighteen hundred and seventy-seven and eighteen hundred and seventy-eight.

Amount appropriated.

SECTION 1. *The People of the State of Michigan enact*, That there be and hereby is appropriated the sum of twenty-six thousand five hundred dollars, for each of the years eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, for the current expenses of the State Reform School for each of said years.

How paid.

SEC. 2. The money appropriated by section one of this act shall be passed to the credit of the State Reform School from the funds already in, or from regular sources to come into the State Treasury, and paid on the order of the board of control, according to law.

Apportionment.

SEC. 3. The Auditor General shall apportion each year the amount herein directed to be levied among the several counties in this State, as provided by law, for the apportionment of State taxes.

SEC. 4. This act shall take immediate effect.

Approved April 27, 1877.

[No. 80.]

AN ACT to amend sections fifty-four, fifty-seven, and seventy-six of chapter six, being compiler's sections eighty-five, eighty-eight, and one hundred and seven of the compiled laws of eighteen hundred and seventy-one, relative to elections.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections fifty-four, fifty-seven, and seventy-six of chapter six, being compiler's sections eighty-five, eighty-eight, and one hundred and seven of the compiled laws of eighteen [hundred] and seventy-one, relative to elections, be amended so as to read as follows:

County clerk to transmit copy of statement to Governor, Secretary of State, and State Treasurer.

(85.) SEC. 54. The county clerk shall prepare and certify under his hand and seal of office three copies of the statement of votes given for the office of Governor, Lieutenant-Governor, Secretary of State, State Treasurer, Auditor General, Attorney General, Superintendent of Public Instruction, Commissioner of the State Land Office, and members of the State Board of Education, also three copies of the statements of votes given for Representatives in Congress, also three copies of the statement of votes given for electors of President and Vice President of the United States, after he shall have received such statement from the board of county canvassers; each of which statements he shall seal up in an envelope, and direct one of each to the Governor, one of each to the Secretary of State, and one of each to the State Treasurer, and transmit the same by mail, within five days after the county canvass.

Votes for amendment to constitution, how taken and canvassed.

(88.) SEC. 57. Whenever any amendment shall have been proposed to the constitution, and agreed to, and submitted to the people, pursuant to the provisions of the constitution, the votes of the electors for and against such amendments shall be taken, can-

vassed, certified, and recorded, and certified copies of the statement thereof shall be made and transmitted by the several county clerks to the Governor, Secretary of State, and State Treasurer, within the same time and in the same manner as the votes for State officers are by law required to be taken and canvassed, and the statements thereof to be certified, recorded, and transmitted. But when any proposed amendment shall be submitted to the people at a spring election the county canvass thereof shall be on the second Tuesday succeeding such election.

(107.) SEC. 76. For the purpose of canvassing and ascertaining the result of the vote upon any proposed amendment to the constitution, or approval of any banking law, or amendment thereof, the Secretary of State shall appoint a meeting of the State Board of State Canvassers, to be held at his office, on or before the twentieth day of the month next after such election; at which meeting the said Secretary shall lay before the board the statement received by him of the votes given in the several counties for or against such amendment to the constitution, or for and against the approval of such banking law, or amendment thereof, as the case may be.

Canvass of votes on amendment to constitution and banking law.

SEC. 2. This act shall take immediate effect.

Approved April 27, 1877.

[No. 81.]

AN ACT to amend act number one hundred and twenty-three of the session laws of eighteen hundred and seventy-three, the same being an act to amend act number one hundred and fifty-four of the session laws of eighteen hundred and seventy-one, entitled "An act to authorize proceedings by garnishment in the circuit courts and in the district court of the Upper Peninsula," approved March sixteenth, eighteen hundred and sixty-one, being section sixty-four hundred and sixty-five of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact, That* section one of act number one hundred and twenty-three of the session laws of eighteen hundred and seventy-three, as amendatory of section six thousand four hundred and sixty-five of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby so amended as to read as follows:

Section amended.

SEC. 1. That in all personal actions arising upon contract, judgment, or decree, brought in the several circuit courts or municipal courts of civil jurisdiction, whether commenced by summons, capias, declaration, or writ of attachment, and in all cases where there remains any sum unpaid upon any judgment or decree rendered in any of the several courts hereinbefore mentioned, if the plaintiff, his agent or attorney, shall file with the clerk of the court at the time of or after the commencement of suit, or at any time after the rendition of such judgment or decree, an affidavit stating that he has good reason to believe and does believe that any person (naming

In what case writ of garnishment may issue.

Service of writ.

Garnishee to disclose his liability.

him) has property, money, goods, chattels, credits, or effects in his hands or under his control belonging to the defendant, or that such person is indebted to the defendant, whether such indebtedness be due or not; and that the defendant, naming him, is justly indebted to the plaintiff on such contract, judgment, or decree, in a given amount over and above all legal set-offs, and that the plaintiff is justly apprehensive of the loss of the same unless a writ of garnishment issue to the aforesaid person, which said writ shall be issued, sealed, and tested in the same manner as writs of summons, and directed to the sheriff, reciting the commencement of [said] suit against the principal defendant, and the filing of the affidavit aforesaid, and thereupon commanding said sheriff to warn and summon such person to appear before said court on a day named, not less than fourteen days from the date of issuing the same, to make disclosure in writing, under his oath, to be filed with the clerk of said court, touching his liability as garnishee of the principal defendant, naming him, as charged in said affidavit, and thenceforth to pay no money and deliver no property to the principal defendant, and of said writ to make due return.

Approved April 28, 1877.

[No. 82.]

AN ACT to amend compiler's section seven thousand eight hundred and seventy-seven in chapter two hundred and fifty-nine of the compiled laws of eighteen hundred and seventy-one, relative to bail in criminal cases.

Section amended.

When sureties may compel principal to give new sureties or be committed.

SECTION 1. *The People of the State of Michigan enact*, That section seven thousand eight hundred and seventy-seven of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

(7877.) SEC. 1. In all criminal cases where any person or persons have entered into any recognizance for the personal appearance of another, and such bail and surety shall afterwards believe that his principal intends to abscond, or has absconded, such bail or surety, on application to any justice of the peace in the county in which the recognizance is taken, or in which such principal resides, and, producing evidence of his being bail or surety, and verifying the reason of his application by oath or otherwise, it shall be the duty of such justice forthwith to grant a mittimus, directed to the sheriff, his deputy, or constable, or other person of the county in which such application shall be made, commanding such officer or other person forthwith to arrest such principal, if he is to be found within this State, and bring him before such justice, that other and sufficient security may be taken, and, in failure so to do, commit him to the keeper of the common jail in said county, who is hereby authorized to receive such principal and retain him in jail until he is discharged by a due course of law. And whenever the prosecuting attorney of any county shall become satisfied that any person who

has been recognized to appear for trial has absconded, or is about to abscond, and that his sureties, or either of them, have become worthless, or are about to dispose or have disposed of their property for the purpose of evading the payment or the obligation of such bond or recognizance, or with intent to defraud their creditors, and such prosecuting attorney shall make a satisfactory showing to this effect to the circuit court of the county, or the judge thereof, such court or judge shall forthwith grant a mittimus to the sheriff or any constable of said county, commanding him forthwith to arrest the person so recognized and bring him before the officer issuing such mittimus, and on the return of said mittimus, may, after a full hearing on the merits, order him to be recommitted to the county jail until such time as he shall give additional and satisfactory sureties, or be otherwise discharged according to law.

When prosecuting attorney may compel the giving of new sureties.

Approved April 28, 1877.

[No. 83.]

AN ACT to amend an act entitled "An act relative to laying out, altering, and discontinuing highways," being chapter twenty-six of the compiled laws of eighteen hundred and seventy-one, by adding thereto a new section to stand as section twenty-one.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act relative to laying out, altering and discontinuing highways," being chapter twenty-six of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended by adding thereto a new section to stand as section twenty-one, and to read as follows:

Section added.

SEC. 21. In laying out, altering or discontinuing any public highway, under the provisions of this act, where the same crosses any railroad, the same proceedings shall be had as provided in this act for laying out, altering or discontinuing highways, and when so laid out as aforesaid, the company operating such railroad shall be and is hereby required to construct and maintain at such crossing, cattle-guards, fences, and other protections suitable and sufficient to prevent cattle and other animals from getting on such railroad, until such cattle guards, fences, and other protections shall be duly made; such company shall be liable for all damages done to cattle or other animals thereon, resulting from the neglect of such company to comply with the requirements aforesaid.

When highway crosses railroad, duty of railroad company.

Approved April 28, 1877.

[No. 84.]

AN ACT to amend sections ten (10) and twelve (12) of chapter two hundred and sixty-eight (268), compiled laws of eighteen hundred and seventy-one, being compiler's sections eight thousand one hundred and thirty-five (8135) and eight thousand one hundred and thirty-seven (8137), relative to the State Reform School.

Sections amended.

SECTION 1. *The People of the State of Michigan enact, That* sections ten (10) and twelve (12) of chapter two hundred and sixty-eight of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

Ages of those committed.

(8135.) SEC. 10. Every male person under the age of sixteen years, and over the age of ten years, who shall be convicted before any court or magistrate of competent jurisdiction, for any offense punishable by law, by fine or imprisonment, or both, and who, in the opinion of the court or magistrate, would be a fit subject for commitment to the reform school, except in cases of offenses punishable by law by imprisonment for life, may be sentenced by such court or magistrate to the reform school until he shall reach the age of eighteen years, or until discharged by law, and such court or magistrate shall certify to the superintendent of said reform school the age of all persons so committed, as near as can be ascertained, with cause of commitment, embracing all important facts connected therewith: *Provided*, That all judgments and commitments, rendered and made under this act, by police courts and justices of the peace, shall upon a reviewal by the proper circuit or probate judge, of the proceedings and testimony taken or had on the trial, be approved; and that if such sentence be disapproved, such police court or justice is hereby authorized to pass sentence as in other cases provided by law.

Certain offenders excepted.

Certificate of age, etc.

Proviso—approval of commitment, etc., by circuit or probate judge.

Term of commitment.

(8137.) SEC. 12. Each and every boy under the age of sixteen years who shall be legally committed to said school as provided in the foregoing section, shall be kept disciplined, instructed, employed, and governed, under the direction of the board of control of said school, until he either be reformed and discharged or until he shall have arrived at the age of eighteen years, and it shall be lawful for said board of control to place in the care of any resident of this State who is the head of a family and of a good moral character, any of the boys of said school on such conditions, and with such stipulations as the board may establish: *Provided*, No boy shall be placed in the care of any person who shall be engaged in the sale of intoxicating drinks, or who is in the habit of getting drunk. It shall be the duty of the board of control, and they shall have power to return any boy to the authorities of the county or city from which he shall have been received, whom the said board may deem to be an improper subject for their care and management, or who shall be found to be incorrigible, or whose continuance in the school they may deem prejudicial to the management or discipline thereof, or who ought in their judgment for any other cause to

Boys may be placed in families.

Proviso.

Return to counties or cities of incorrigible boys.

be returned from said school. In every such case it shall be the duty of said board of control to transmit to the court, or magistrate, by whom said boy was committed to said school, a statement of the reasons of said return, and it shall be the duty of the authorities of the city or county to whom said boy shall be returned to produce said boy before the court, or magistrate, by whom said boy was tried, convicted, and committed, or his successor in office, as soon as the same can reasonably be done; and such court or magistrate shall have power thereon to make such order and have such proceedings as would have been legal in the first instance; and would have been made or had in the case, if the boy had not been sent to the reform school. Said board of control shall also be authorized when in their judgment it may be deemed proper or expedient, to give boys leave of absence in writing, with conditions therein expressed, for a limited period, or during good behavior, and in case of misconduct or other satisfactory reasons, they may reclaim and return to the care of the school for such time as they were originally sentenced without other trial or commitment or process of law, any boy granted such leave of absence, their further detention shall in no way be affected thereby, either to their prejudice or advantage. Said board of control shall also have power to return any boy to his parents, or other guardian, when they shall have become bound in sufficient sureties for the good behavior and care of such boy.

Reason for return.

Must be produced in court.

Proceedings as in first instance.

Leave of absence may be given in writing.

Return of boys to parents or guardians.

Approved April 28, 1877.

[No. 85.]

AN ACT to fix the per diem of members of State Legislature from the Upper Peninsula for and during the session of eighteen hundred and seventy-seven.

SECTION 1. *The People of the State of Michigan enact*, That in addition to the compensation, mileage, and allowance for stationery, as fixed by law, for members of the Legislature, the members representing territory of the Upper Peninsula shall be allowed and paid two dollars per diem as extra compensation during the session of the Legislature of the year 1877.

SEC. 2. This act shall take immediate effect.

Approved April 28, 1877.

[No. 86.]

AN ACT to amend section eighty-six, of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one, being compiler's section five thousand three hundred and thirty-four (5334), relative to adjournments of civil causes in justices' courts.

SECTION 1. *The People of the State of Michigan enact*, That section eighty-six of chapter one hundred and seventy-eight of the

Section amended.

compiled laws of eighteen hundred and seventy-one, being compiler's section five thousand three hundred and thirty-four, be amended so as to read as follows:

Adjournment,
how obtained.

(5334). SEC. 86. If either party to the suit shall make it appear to the satisfaction of the justice, by his own oath, or the oath of any other person, that he cannot safely proceed to trial for the want of some material testimony or witness, the justice shall postpone the trial for such reasonable time, and so often as he shall deem it proper, not exceeding in all three months, unless by consent of the parties to such suit, a longer time shall be stipulated therefor in writing, to be signed by the parties or their attorneys and filed with the justice: *Provided*, That a party claiming an adjournment after a former adjournment has been had shall further make it appear to the satisfaction of the justice, that he has used reasonable diligence to procure such testimony or witness since the last preceding adjournment.

Subsequent
adjournment.

Approved May 2, 1877.

[No. 87.]

AN ACT to amend section one of chapter two hundred and fifty-three, being section seven thousand seven hundred and seventy-seven of the compiled laws of eighteen hundred and seventy-one, relative to the racing of animals.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter two hundred and fifty-three, being section seven thousand seven hundred and seventy-seven of the compiled laws of eighteen hundred and seventy-one, relative to the racing of animals, be amended so as to read as follows:

What deemed
racing, and pun-
ishment therefor.

(7777.) SEC. 1. All running, trotting, or pacing of horses, or any other animals, for any bet or stakes, in money, goods, or other valuable thing, excepting such as are by special laws for that purpose expressly allowed, shall be deemed racing within the meaning of this chapter, and are hereby declared to be common and public nuisances and misdemeanors; and all parties concerned therein, either as authors, betters, stakers, stake-holders, judges to determine the speed of animals, riders, contrivers, or abettors thereof, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year in the county jail. That the giving of premiums by agricultural and other societies and associations, for the running and trotting of horses at fairs or regularly appointed meetings, shall not be illegal or unlawful.

SEC. 2. This act shall take immediate effect.

Approved May 2, 1877.

[No. 88.]

AN ACT to amend section five of act number seventy-nine, session laws of eighteen hundred and seventy-three, entitled "An act to provide for the appointment of a commissioner of railroads, and to define his powers, duties, and fix his compensation," approved April ten, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact, That* section five of act number seventy-nine, session laws of eighteen hundred and seventy-three, entitled "An act to provide for the appointment of a commissioner of railroads, and to define his powers, duties, and fix his compensation," approved April ten, eighteen hundred and seventy-three, be amended so as to read as follows: Section amended.

SEC. 5. Said commissioner shall receive an annual salary of twenty-five hundred dollars, payable monthly, on the warrant of the Auditor General. He shall hold his office in the State Capitol, at Lansing. The incidental expenses of his office, together with all actual cash outlay for railroad fares, shall be audited by the Board of State Auditors. He may appoint a deputy, with the approbation of the Governor, for whose official acts such commissioner shall be in all respects responsible, and revoke such appointment at pleasure. Such deputy shall take and subscribe the constitutional oath of office, and shall perform such duties as the commissioner may from time to time prescribe; and in case of the death, resignation, or removal of the commissioner, shall perform the duties of commissioner until a successor shall be appointed; and such deputy shall receive an annual salary of one thousand dollars, payable monthly, on the warrant of the Auditor General. Salary.
Place of holding office.
Deputy.
Salary of deputy.

SEC. 2. This act shall take immediate effect.

Approved May 3, 1877.

[No. 89.]

AN ACT making an appropriation for the support of the State Public School, and providing for the construction of buildings, and making other improvements to that institution.

SECTION 1. *The People of the State of Michigan enact, That* the sum of thirty-three thousand dollars be, and the same is hereby appropriated out of the general fund, to meet the current expenses of the State Public School for the year eighteen hundred and seventy-seven, and the further sum of thirty-seven thousand dollars be, and the same is hereby appropriated out of the general fund to meet the current expenses of the State Public School for the year eighteen hundred and seventy-eight; that the further sum of thirty thousand eight hundred dollars or so much thereof as may be necessary, be and the same is hereby appropriated out of the general fund for the following named purposes, for the State Public School: for building an engine house, water tower and tanks, for fire apparatus, for bathing tanks, for laundry connected with the Amount appropriated for current expenses.

For special purposes.

engine house, for new boiler and removing the old boilers, ten thousand dollars; for barns and sheds, one thousand dollars; for furniture for the main building, and for one musical instrument, fifteen hundred dollars; for trees, fencing, grading, draining, and sidewalks, one thousand dollars; for repairs and painting, two thousand dollars; for a horse, carriage, cutter, harness, and robes, four hundred dollars; for steam heating apparatus for one school room and the three new cottages, four hundred dollars; for books for the children, three hundred dollars; for farm implements two hundred dollars; for deficit in the accounts for the construction of three cottages last built, for repairs, sewerage, ventilation and furniture, six thousand dollars; and for building one large cottage for sixty children, complete with steam heating apparatus, gas fixtures, plumbing, and furnishing the same, eight thousand dollars.

How paid.

SEC. 2. That the several sums appropriated by the provisions of this act, shall be passed to the credit of the State Public School and paid to the board of control of that institution or its treasurer, at such times, and in such amounts and manner as is now provided by law and by this act, and as may be made to appear to the Auditor General to be necessary.

Amount raised
by tax in 1877
and 1878.

SEC. 3. That one-half of the aggregate sum of the appropriations made by this act, the Auditor General shall add to and incorporate with the tax for the year eighteen hundred and seventy-seven, and the other half of the appropriations made by this act, the Auditor General shall add to and incorporate with the tax for the year eighteen hundred and seventy-eight, which sums when collected, shall be passed to the credit of the general fund.

SEC. 4. This act shall take immediate effect.

Approved May 3, 1877.

[No. 90.]

AN ACT to amend sections four and five of an act entitled "An act to amend sections one thousand four hundred and sixty-one, one thousand four hundred and sixty-two, one thousand four hundred and sixty-five, one thousand four hundred and seventy-six, one thousand four hundred and eighty, one thousand four hundred and ninety-six, and one thousand five hundred of the compiled laws of eighteen hundred and seventy-one, being sections of an act entitled 'An act to regulate the manufacture and provide for the inspection of salt,' approved April sixteen, eighteen hundred and seventy-five.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections four and five of an act entitled "An act to amend sections fourteen hundred and sixty-one, fourteen hundred and sixty-two, fourteen hundred and sixty-five, fourteen hundred and seventy-six, fourteen hundred and eighty, fourteen hundred and ninety-six, and and fifteen hundred, of the compiled laws of eighteen hundred and

seventy-one, being sections of the act entitled 'An act to regulate the manufacture, and provide for the inspection of salt,' approved April sixteenth, eighteen hundred and seventy-five, be and the same are hereby amended so as to read as follows:

SEC. 4. The inspectors [inspector] shall be entitled to receive an annual salary of fifteen hundred dollars. He shall also be allowed the further sum of five hundred dollars annually, for the expense of providing and furnishing his office, and for clerk hire, stationery, books, printing, and traveling expenses. His deputies shall be entitled to such sums as he may approve, not exceeding in any case the sum of one hundred dollars per month for the time actually employed. All salaries and expenses provided for by this act shall be retained by the inspector out of the money received under section five of this act, and accounted for and paid out by him as provided in this act; salaries to be paid monthly: *Provided*, That in case the amount of money received for the inspection of salt, according to the provisions of section five, shall not be sufficient to pay the salaries and expenses of the inspector and his deputies, as provided herein, that the amount of such deficiency shall be deducted from said salaries, *pro rata* to each.

Salary and expenses of inspector or of salt.

Salary of deputies.

How paid.

Proviso.

SEC. 5. Each person, firm, company, and corporation engaged in the manufacture of salt, or for whom any salt shall be inspected, shall from time to time, as salt is inspected, or offered for inspection, pay on demand to the inspector, or the deputy of the district where the salt is inspected, one mill for each bushel of salt inspected or offered for inspection: *Provided*, That the same may be required to be paid in advance: *And provided further*, That but one inspection fee shall be paid upon the same salt. In case any person, firm, company, or corporation shall neglect or refuse to pay such inspection fees, on demand, at his, their, or its office, or manufactory, the party so refusing shall be liable to an action therefor, in the name of the inspector; and the certificate of inspection, with proof of the signature of the inspector or deputy giving the same, shall be *prima facie* proof of the liability and the extent of liability of the party so in default; and it shall be lawful for the inspector and his deputies to refuse to inspect salt manufactured at the works so in default, until the amount due is paid; all money received by or paid to any deputy inspector under this section shall be forthwith paid to the inspector. The inspector shall keep just and true accounts of all money received under this section, and an account of the amounts received from or paid by each person, firm, company, and corporation engaged in the manufacture of salt, and all other things appertaining to the duties of the office; and the said books and accounts shall always during office hours, be subject to the inspection and examination of any person who may wish to examine them; shall be deemed the books of the office, and shall be handed over to his successor in office, together with all the money and effects appertaining to the office.

One mill paid for each bushel inspected.

Proviso.

Proviso.

Neglect or refusal to pay.

Moneys received to be paid to inspector.

Inspector shall keep accounts.

Books and accounts to be open to inspection.

SEC. 2. This act shall take immediate effect.

Approved May 3, 1877.

[No. 91.]

AN ACT to amend section twenty-three of chapter one hundred and seventy, compiler's section four thousand seven hundred and fifty-five, of the compiled laws of eighteen hundred and seventy-one, relative to divorces.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-three of chapter one hundred and seventy, being section four thousand seven hundred and fifty-five of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

Court may
further decree
alimony, etc.

(4755.) SEC. 23. Upon every divorce from the bond of matrimony for any cause except that of adultery committed by the wife, and also upon every divorce from bed and board for any cause, if the estate and effects awarded to the wife shall be insufficient for the suitable support and maintenance of herself and such children of the marriage as shall be committed to her care and custody, the court may further decree to her such part of the personal estate of the husband and such alimony out of his estate real and personal, to be paid to her in gross or otherwise as it shall deem just and reasonable, having regard to the ability of the husband and the character and situation of the parties, and all the other circumstances of the case.

Approved May 3, 1877.

[No. 92.]

AN ACT relative to selling, furnishing, or allowing intoxicating liquors to minors under the age of eighteen years.

Penalty for
selling liquors
to minors.

SECTION 1. *The People of the State of Michigan enact*, That every person who shall by himself, or by any clerk, servant, agent, or employé, sell, give, or furnish, or cause to be sold, given, or furnished, any intoxicating, spirituous, malt, brewed, or fermented liquors, cider, or wine, or any liquor or beverage any part of which is intoxicating, spirituous, malt, brewed, or fermented, to any minor under the age of eighteen years, and every person who shall himself, or by his clerk, servant, agent, or employé, permit or allow any such liquor, cider, wine, or beverage to be sold, furnished, or given to, or to be drunk by any such minor, in his or her store, shop, saloon, restaurant, bar-room, or place of business where such liquors or beverages are kept, furnished, or sold, shall be liable for both actual and exemplary damages therefor, to the father, mother, guardian, or master, or any person standing in place of a parent to such minor, in such sum, not less than fifty dollars in each case, as the court or jury shall determine; except a druggist upon the written request of a parent, guardian, or master of such minor, or upon the written prescription and request of a regular practicing physician: *Provided*, That the physician making such prescription

How druggists
may sell.

Proviso.

shall not be the druggist himself, nor a member of the firm of druggists selling such liquors, nor an employé of such druggist or firm. But if any druggist shall furnish, sell, or give to any such minor any such liquor more than once upon the same written prescription or written request, he shall be liable in damages therefor as aforesaid, and to the extent aforesaid in each case.

SEC. 2. The damages in all cases provided for in this act, together with costs of suit, shall be recoverable in action of trespass on the case before any court of competent jurisdiction. And in any case where parents shall be entitled to such damages, either the father or the mother may sue alone therefor. But recovery by one of said parties shall be a bar to a suit brought by the other.

How damages recovered.

Approved May 3, 1877.

[No. 93.]

AN ACT to authorize the enlistment, organization, equipping, and mustering into the State service a military company at the city of Mason, in the county of Ingham, and State of Michigan, to be attached to one of the regiments of State troops.

SECTION 1. *The People of the State of Michigan enact*, That Charles Perry, Lewis A. Holden, John H. Sayers, Andrew Farran, John C. Squiers, and their associates of the city of Mason, in the county of Ingham, be and they are hereby authorized and empowered to raise and organize a military company of infantry in said city.

Authority to raise and organize company.

SEC. 2. That whenever there shall be a sufficient number of able-bodied male persons who are between the ages of eighteen and forty-five years, to constitute the minimum number required by the provisions of section eight hundred and thirty-five of the compiled laws of eighteen hundred and seventy-one, for the formation of a company who shall associate together for that purpose, the said Perry, Holden, Sayers, and their associates are hereby authorized to assemble together and organize such company, by electing such officers from among their number as are provided for by said section eight hundred and thirty-five and enrolling their members so associated. And they shall at once report their proceedings to the Adjutant General of the State, who shall without unnecessary delay present the same to the Governor, who is authorized to accept such company into the service of the State as State troops, and to issue commissions to the officers elected.

How company organized.

Proceedings to be reported to Adjutant General.

SEC. 3. Such company when so organized, accepted, and their officers commissioned, shall be attached to one of the regiments of State troops, and shall be supplied with arms, equipments, and uniforms by the State in the same manner and with the like effect, and shall in all respects be responsible for such arms, equipments, and uniforms as other companies of State troops are, and shall in all respects stand upon an equal footing, be entitled to the same

Company to be attached to State troops, etc.

privileges and exemptions, and be liable to the same duties and penalties and subject to the same orders that other companies of State troops are.

SEC. 4. This act shall take immediate effect.

Approved May 3, 1877.

[No. 94.]

AN ACT to authorize the enlistment, organization, equipping and mustering into the State service a military company at the village of Dexter, in the county of Washtenaw, and State of Michigan, to be attached to one of the regiments of State troops.

Authority to
raise and organ-
ize company.

SECTION 1. *The People of the State of Michigan enact, That* Orville E. Hoyt, Charles F. Bates, W. Irving Keal, and their associates of the village of Dexter in the county of Washtenaw, be and they are hereby authorized and empowered to raise and organize a military company of infantry in said village.

How company
organized.

SEC. 2. That whenever there shall be a sufficient number of able-bodied male persons who are between the ages of eighteen and forty-five years to constitute the minimum number required by the provisions of section eight hundred and thirty-five of the compiled laws of eighteen hundred and seventy-one, for the formation of a company who shall associate together for that purpose, the said Hoyt, Bates, Keal, and their associates are hereby authorized to assemble together and organize such company by electing such officers from among their number as are provided for by said section eight hundred and thirty-five, and enrolling their members so associated. And they shall at once report their proceedings to the Adjutant General of the State, who shall without unnecessary delay present the same to the Governor, who is authorized to accept such company into the service of the State as State troops, and to issue commissions to the officers elected.

Proceedings to
be reported to
Adjutant Gen-
eral.

Company to be
attached to State
troops, etc.

SEC. 3. Such company, when so organized, accepted, and their officers commissioned, shall be attached to one of the regiments of State troops, and shall be supplied with arms, equipments, and uniforms by the State in the same manner and with the like effect, and shall in all respects be responsible for such arms, equipments, and uniforms as other companies of State troops are, and shall in all respects stand upon an equal footing, be entitled to the same privileges and exemptions, and be liable to the same duties and penalties, and subject to the same orders, that other companies of State troops are.

SEC. 4. This act shall take immediate effect.

Approved May 3, 1877.

[No. 95.]

AN ACT to amend sections sixty-four and sixty-six of the general banking law, entitled "An act to authorize the business of banking," approved February sixteen, eighteen hundred and fifty-seven, and the acts amendatory thereto, the same being sections two thousand two hundred and forty-five and two thousand two hundred and forty-seven of the compiled laws of eighteen hundred and seventy-one, so as to read as follows:

SECTION 1. *The People of the State of Michigan enact*, That sections number sixty-four and sixty-six of an act to authorize the business of banking, approved February sixteen, eighteen hundred and fifty-seven, being compiler's sections number two thousand two hundred and forty-five and two thousand two hundred and forty-seven of the compiled laws of eighteen hundred and seventy-one, be and hereby are amended so as to read as follows:

(2245.) SEC. 64. The business and property of such savings banks shall be managed by a board of directors or trustees, of not less than five, all of whom shall be stockholders; the first board to be designated in the articles of association, and who shall, at their first meeting, and as often thereafter as their by-laws shall require, elect from their number a president and vice president. All vacancies in the board of directors or trustees shall be filled at the next regular meeting of the board, from among the stockholders, after such vacancy shall arise, and the person receiving a majority of the votes of the directors or trustees present shall be duly elected. A majority of the board of directors or trustees shall constitute a quorum for the transaction of business: *Provided*, That when the number of trustees or directors of a bank shall exceed nine, that the said directors or trustees shall once in three months designate, by resolution, nine members, any five of whom shall constitute a quorum.

(2247.) SEC. 66. The board of directors or trustees shall invest two-thirds of the deposits made with them upon the security of stocks of this State, or of the United States, or in the public debt, stock, or bonds of any city, county, or school district in this State which shall have been authorized by the Legislature of this State to issue such stocks or bonds, or loan the same upon bond secured by mortgage upon unincumbered real estate, worth at least double the amount loaned, or in such other manner as is authorized by this act. And from the remainder of said deposits, temporary deposits may be made by said board in any national bank, any of the incorporated banks of this State, or in any associations which are now or may hereafter be formed under the general banking law of this State, said deposit not to exceed fifty thousand dollars in any one bank, or they may keep the whole or any part of the said remainder to meet the current payments of such corporation, and which may be kept on deposit, interest or otherwise, or in such suitable form as the directors or trustees may direct. All certificates or evidences of deposit made by the proper officers of said banks shall be as effectual

Sections amended.

Directors or trustees shall manage business.
Election of president and vice president.

Vacancies, how filled.

Quorum.
Provido.

How two-thirds of deposits shall be invested.

Remainder may be deposited in other banks or kept on hand.

Certificates of deposit valid without seal

privileges and exemptions, and be liable to penalties and subject to the same orders that State troops are.

SEC. 4. This act shall take immediate effect.
Approved May 3, 1877.

[No. 94.]

AN ACT to authorize the enlistment, organizing and mustering into the State service a military company of Dexter, in the county of Washtenaw, to be attached to one of the regiments of

Authority to
raise and organ-
ize company.

SECTION 1. *The People of the State of Michigan*, Orville E. Hoyt, Charles F. Bates, W. Irvin and associates of the village of Dexter in the county of Washtenaw, they are hereby authorized and empowered to organize a military company of infantry in said village.

How company
organized.

SEC. 2. That whenever there shall be a sufficient number of able-bodied male persons who are between the ages of twenty-four and forty-five years to constitute the minimum number provided in the provisions of section eight hundred and twenty-five of the laws of eighteen hundred and seventy-one, they may form a company who shall associate together under the name of the Hoyt, Bates, Keal, and their associates, and they shall assemble together and organize such a company, and elect officers from among their number as aforesaid, not less than eight hundred and thirty-five, and not more than one hundred and fifty, to be associated. And they shall at once report the same to the Adjutant General of the State, who shall present the same to the Governor, who shall commission the company into the service of the State, and issue commissions to the officers elected.

Proceedings to
be reported to
Adjutant Gen-
eral.

Company to be
attached to State
troops, etc.

SEC. 3. Such company, when so organized, and when officers commissioned, shall be attached to one of the State troops, and shall be supplied with arms and accoutrements by the State in the same manner as other companies, and shall in all respects be responsible for their arms and uniforms as other companies, and in all respects stand upon an equal footing with them, and be entitled to the same privileges and exemptions, and be subject to the same orders and penalties, and subject to the same discipline as State troops are.

SEC. 4. This act shall take immediate effect.
Approved May 3, 1877.

the State
Board of
and other

act, That Appropriation
to the Treasury for support of
for the year college.
the sum of six
one thousand
of the State
the State Board

ed out of the For dormitory
ars for the year hall.
for the erection,
or students.

ed from the State Special appropri-
enses of farmers' ations.

ired and seventy-

-eight; one thou-

ical department;

museum; nine hun-

al department; two

artment; one thous-

ry; one hundred and

il engineering; three

dollars and sixty cents

a works; one hundred

Cedar river, and five

uisher [extinguishers].

egating eleven thousand When and how

nd sixty cents, shall be paid.

thousand eight hundred

one thousand eight hun-

provided for in this act, or

all be expended under the

are for the purposes afore-

sury on the presentation of

the Auditor-General, and on

the taxable property of the Assessment,
nd seventy-seven the sum of when made and
d thirty-six dollars and eighty how credited.

undred and seventy-eight the

at hundred and thirty-six dol-

sed and levied in like manner

ried, assessed and paid, which

up to the general fund, to reim

burse to the same the sum to be drawn therefrom as provided in this act, and any sums drawn from the treasury under the provisions of this act before the taxes herein authorized are collected shall be returned when such taxes are collected.

SEC. 5. This act shall take immediate effect.

Approved May 5, 1877.

[No. 98.]

AN ACT to amend "An act to incorporate State and subordinate granges," approved April eighth, eighteen hundred and seventy-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section seven of act number sixty-eight, session laws of eighteen hundred and seventy-five, entitled an act to incorporate State and subordinate granges, be so amended as to read as follows:

Incorporation of county, district, and subordinate granges.

SEC. 7. Any thirteen or more persons of lawful age, residents of this State, and being members of any county, district, or subordinate grange of the patrons of husbandry, duly chartered by the national or State grange, by charter approved by the State grange,

Articles of association.

desirous to become incorporated, may make and execute articles of association, specifying therein, as provided in section two of this act, and acknowledge the same as specified in said section two, and

Filed and recorded in office of county clerk.

file a copy of such articles, together with a copy of the charter granted as aforesaid by said national or State grange, in the office of the county clerk of the county where the business office of the grange is located, and the same shall be recorded by such county clerk in a book to be kept in his office for that purpose;

Body politic and corporate.

and thereupon the persons who shall have signed such articles of association, together with their associates and successors who shall sign such articles, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name

Powers.

they and their successors shall have succession, and by that name may sue and be sued, contract and be contracted with, and may have a common seal which they may alter at pleasure, and may purchase, take, receive, own, and hold real and personal estate, and the same or any part thereof grant, sell, mortgage, lease, and convey at pleasure. But every such corporation shall be limited

Amount of estate limited.

as to the amount of estate which it may hold, and the disposition to be made thereof, and of the income and proceeds therefrom, by the provisions of section four of this act, and a copy of the record of the articles of association, and of the charter thereto attached, certified by the county clerk, under the seal of the county where such record is kept, shall be received in all courts and places in this State as *prima facie* evidence of the existence and due incorporation of every grange incorporated under this section.

Copy of record evidence in court.

Approved May 5, 1877.

[No. 99.]

AN ACT to amend section eleven of chapter two hundred and thirty-five of the compiled laws of eighteen hundred and seventy-one, the same being compiler's section seven thousand three hundred and thirty-three, relative to fraudulent and insolvent debtors.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section eleven of chapter two hundred and thirty-five, of the compiled laws of eighteen hundred and seventy-one, the same being compiler's section seven thousand three hundred and thirty-three, be so amended as to read as follows:

(7333.) SEC. 11. The debtor, after being so discharged, shall be Debtor exempted unless he has sworn falsely.
 forever exempted from arrest or imprisonment, for the same debt, unless he shall be convicted of having sworn falsely upon his examination before the officer, or in taking the oath before prescribed.

Approved May 9, 1877.

[No. 100.]

AN ACT to compel parties engaged in securing ice to erect danger signals.

SECTION 1. *The People of the State of Michigan enact, That* Danger signals to be erected when ice is cut.
 it shall be the duty of any person or persons who are, or who may hereafter be, engaged in the procuring of ice from any of the streams or lakes of this State to erect or cause to be erected, place or cause to be placed at or near all places where they shall be cutting ice suitable danger signals.

SEC. 2. Any person or persons who shall neglect or refuse to Penalty for neglect.
 comply with the provisions of this act shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by imprisonment in the county jail not more than three months, or by fine not exceeding one hundred dollars, or by both such fine and imprisonment.

Approved May 9, 1877.

[No. 101.]

AN ACT to prevent the sale of fruits and vegetables in cases, boxes, or baskets, less than legal measure.

SECTION 1. *The People of the State of Michigan enact, That* Fruits, etc., not to be sold in less quantity than represented.
 when any person or persons, party or parties, shall offer for sale or sell in any township, village, or city, within this State, any fruits or vegetables contained in drawers or cases, boxes or baskets, represented to hold one bushel or any fractional part thereof, said drawers, boxes, cases, or baskets, shall be of the dimensions to

hold, and shall hold the quantity offered for sale or sold, whether by the bushel of thirty-two quarts or any fractional part thereof.

Penalty for violating provisions of foregoing section.

SEC. 2. Any person or persons violating the provisions of the foregoing section, upon conviction before any court of competent jurisdiction, shall be liable to a fine not less than five dollars nor more than twenty dollars, and imprisonment for a term not to exceed three months, or either or both, in the discretion of said court.

Approved May 9, 1877.

[No. 102.]

AN ACT to provide for the prevention and punishment of horse stealing.

Punishment for horse stealing, etc.

SECTION 1. *The People of the State of Michigan enact*, That every person who shall steal any horse, mare, gelding, foal or filly, ass or mule, of any value, or who shall receive, buy, conceal, or aid in the concealment of any stolen horse, mare, gelding, foal or filly, ass or mule, knowing the same to have been stolen, shall, upon conviction thereof, be punished by imprisonment in the State Prison not less than three years nor more than fifteen years: *Provided, however*, That in cases of first offense the court may, in its discretion, sentence the person so convicted to the State House of Correction for a term not exceeding two years.

Approved May 9, 1877.

[No. 103.]

AN ACT to amend section one of an act entitled "An act to prevent the destruction of muskrats and muskrat houses in the marshes along the shore of Lakes Erie, St. Clair, Huron, and Michigan," being compiler's section two thousand one hundred and six of the compiled laws of eighteen hundred and seventy-one.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to prevent the destruction of muskrats and muskrat houses in the marshes along the shore of Lakes Erie, St. Clair, Huron, and Michigan," being compiler's section two thousand one hundred and six of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

Muskrats, killing of in certain waters at certain seasons prohibited.

(2106.) SECTION 1. *The People of the State of Michigan enact*, That no person or persons shall kill, destroy, or take by any means whatsoever, within the limits of the marshes bordering on the waters of Lake Erie, Detroit River, River St. Clair, Lake St. Clair, Lake Huron, and Lake Michigan, any muskrat found in said marshes, or in or on the banks of any bayous or creeks in said marshes, between

the fifteenth day of April in each year and the first day of March next following under the penalty of three dollars for each muskrat so killed, destroyed, or taken in violation of this act. Penalty.

SEC. 2. This act shall take immediate effect.

Approved May 9, 1877.

[No. 104.]

AN ACT to encourage the propagation of fish in the State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful for any person or persons to kill or take speckled trout or other fish from any private lake, pond, or stream, used for the propagation of such fish (except by the consent of the proprietor of such lake, pond, or stream). Taking from private stream, etc., prohibited.

SEC. 2. Any person or persons violating section one of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall pay a fine of not less than ten dollars and not exceeding one hundred dollars for each offense, and shall, on conviction thereof, stand committed to the county jail until such penalty is paid: *Provided*, That such imprisonment shall not exceed three months. Penalty.

SEC. 3. A prosecution may be brought in the name of the people of the State of Michigan against any person or persons violating the provisions of this act, before any justice of the peace of the county in which such violation is alleged to have taken place, or before any court of competent jurisdiction; and it is made the duty of all prosecuting attorneys in this State to see that the provisions of this act are enforced in their respective counties, and they shall prosecute all offenders on receiving information of the violations of this act. How prosecution may be brought.

SEC. 4. It shall be the duty of the proprietor of any such private lake, pond, or stream, who is engaged in the propagation of fish as contemplated by this act, to post or cause to be posted in a conspicuous manner, at places not more than twenty rods apart, commencing on either side of such private lake, pond, or stream where it enters the premises of the owner sought to be protected, and extending along or near either bank to the place where such waters leave such premises, public notices, painted on boards in large and plain letters, that the owner, naming him, is engaged in such business, and all persons are prohibited from killing, taking, or catching any fish in the waters within the limits of such notices. Duty of prosecuting attorney.

Approved May 9, 1877.

[105.]

AN ACT to amend section twenty-one of an act, entitled "An act relative to the organization and powers of Fire and Marine Insurance Companies, transacting business within this State," approved April three, eighteen hundred and sixty-nine, being compiler's section two thousand nine hundred and eighty-five, chapter 99, of the compiled laws of eighteen hundred and seventy-one.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section two thousand nine hundred and eighty-five chapter ninety-nine, of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Commissioner of insurance may address inquiries to companies, etc.

(2985.) SEC. 21. The Commissioner of Insurance is hereby authorized and empowered to address any inquiries to any insurance company, or the secretary thereof, in relation to its doings or condition, or any other matter connected with its transactions; and it shall be the duty of any company so addressed, to promptly reply in writing to any such inquiries. Every fire insurance company organized under any law of this State, failing to make and deposit such statements, or to reply to any inquiry of the said Commission of Insurance, shall be subject to the penalty of five hundred dollars, and an additional five hundred dollars for every month that such company shall continue thereafter to transact any business of insurance. Every insurance company organized without this State, and doing business herein, failing to make and deposit such statements, or to make satisfactory replies to such inquiries, as may relate to its manner of doing business, or to its assets, pecuniary responsibility, or to other matters connected with or relating to its business transactions, shall be subject to like penalties, and to a revocation of its authority to do business in this State. The said Commissioner of Insurance shall have power to examine the form of policy contract proposed to be issued by any company, association or corporation applying to be permitted to transact the business of insurance in this State, and may refuse to admit any company to this State or to renew the annual authority of any company previously admitted, whenever the form of policy contract issued or proposed to be issued does not permit the cancelation of the same at the request of the insured on equitable terms.

Penalty for false statement or failing to make statement.

Penalty as to foreign companies.

Power of commissioner as to policy contract of companies.

SEC. 2. This act shall take immediate effect.

Approved May 10, 1877.

[No. 106.]

AN ACT to amend section fifty of chapter two hundred and forty-five, being compiler's section seven thousand six hundred and one of the compiled laws of eighteen hundred and seventy-one, relative to offenses against property.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section fifty of chapter two hundred and forty-five, being com-

piller's section seven thousand six hundred and one of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

(7601.) SEC. 50. Every person who shall willfully or maliciously break down, injure, remove, or destroy any monument erected for the purpose of designating the boundaries of any township, or of any tract or lot of land, or any tree marked for that purpose, or shall so break down, injure, remove, or destroy any mile stone, mile board, guide post, or guide board, lawfully erected upon any highway or other public way, turnpike, or railroad, or shall willfully or maliciously deface or alter the inscription on any such stone, post, or board, or shall willfully or maliciously mar or deface any building or sign board, or extinguish any lamp, or break, destroy, or remove any lamp or any lamp post, or any railing or posts erected on any bridge, sidewalk, street, highway, court, or passage, or shall willfully or maliciously injure, remove, deface, or destroy any board or structure lawfully erected or used for the posting of bills, posters, or other notices, or shall willfully or maliciously mutilate, deface or destroy any bill, poster, or other printed or written notice lawfully posted on any board or structure, used for that purpose, without the consent of the owner or occupant thereof, shall be punished by imprisonment in the county jail not more than three months, or by fine not exceeding fifty dollars, or both fine and imprisonment, at the discretion of the court.

Maliciously
injuring monu-
ments, extin-
guishing lamps,
or defacing sign
boards, etc.

Approved May 10, 1877.

[No. 107.]

AN ACT to amend section five hundred and eleven of the compiled laws of eighteen hundred and seventy-one, being section thirty-five of chapter fourteen of the laws of eighteen hundred and forty-six relative to county treasurers.

SECTION 1. *The People of the State of Michigan enact, That* section five hundred and eleven of the compiled laws of eighteen hundred and seventy-one, being section thirty-five of chapter fourteen, laws of eighteen hundred and forty-six, relative to county treasurers, be and the same is hereby amended so as to read as follows:

Section
amended

SEC. 35. The county treasurer shall be elected at the general election for the term of two years, and shall be incapable of holding the office of county treasurer longer than four in any period of six years. He shall give a bond for the faithful and proper discharge of the duties of his office as hereinafter directed.

County treasurer
not to hold office
longer than four
years in six
years.
Bond.

Approved May 10, 1877.

privileges and exemptions, and be liable to the same duties and penalties and subject to the same orders that other companies of State troops are.

SEC. 4. This act shall take immediate effect.

Approved May 3, 1877.

[No. 94.]

AN ACT to authorize the enlistment, organization, equipping and mustering into the State service a military company at the village of Dexter, in the county of Washtenaw, and State of Michigan, to be attached to one of the regiments of State troops.

Authority to
raise and organ-
ize company.

SECTION 1. *The People of the State of Michigan enact, That* Orville E. Hoyt, Charles F. Bates, W. Irving Keal, and their associates of the village of Dexter in the county of Washtenaw, be and they are hereby authorized and empowered to raise and organize a military company of infantry in said village.

How company
organized.

SEC. 2. That whenever there shall be a sufficient number of able-bodied male persons who are between the ages of eighteen and forty-five years to constitute the minimum number required by the provisions of section eight hundred and thirty-five of the compiled laws of eighteen hundred and seventy-one, for the formation of a company who shall associate together for that purpose, the said Hoyt, Bates, Keal, and their associates are hereby authorized to assemble together and organize such company by electing such officers from among their number as are provided for by said section eight hundred and thirty-five, and enrolling their members so associated. And they shall at once report their proceedings to the Adjutant General of the State, who shall without unnecessary delay present the same to the Governor, who is authorized to accept such company into the service of the State as State troops, and to issue commissions to the officers elected.

Proceedings to
be reported to
Adjutant Gen-
eral.

Company to be
attached to State
troops, etc.

SEC. 3. Such company, when so organized, accepted, and their officers commissioned, shall be attached to one of the regiments of State troops, and shall be supplied with arms, equipments, and uniforms by the State in the same manner and with the like effect, and shall in all respects be responsible for such arms, equipments, and uniforms as other companies of State troops are, and shall in all respects stand upon an equal footing, be entitled to the same privileges and exemptions, and be liable to the same duties and penalties, and subject to the same orders, that other companies of State troops are.

SEC. 4. This act shall take immediate effect.

Approved May 3, 1877.

[No. 95.]

AN ACT to amend sections sixty-four and sixty-six of the general banking law, entitled "An act to authorize the business of banking," approved February sixteen, eighteen hundred and fifty-seven, and the acts amendatory thereto, the same being sections two thousand two hundred and forty-five and two thousand two hundred and forty-seven of the compiled laws of eighteen hundred and seventy-one, so as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That* sections number sixty-four and sixty-six of an act to authorize the business of banking, approved February sixteen, eighteen hundred and fifty-seven, being compiler's sections number two thousand two hundred and forty-five and two thousand two hundred and forty-seven of the compiled laws of eighteen hundred and seventy-one, be and hereby are amended so as to read as follows:

(2245.) SEC. 64. The business and property of such savings banks shall be managed by a board of directors or trustees, of not less than five, all of whom shall be stockholders; the first board to be designated in the articles of association, and who shall, at their first meeting, and as often thereafter as their by-laws shall require, elect from their number a president and vice president. All vacancies in the board of directors or trustees shall be filled at the next regular meeting of the board, from among the stockholders, after such vacancy shall arise, and the person receiving a majority of the votes of the directors or trustees present shall be duly elected. A majority of the board of directors or trustees shall constitute a quorum for the transaction of business: *Provided, That* when the number of trustees or directors of a bank shall exceed nine, that the said directors or trustees shall once in three months designate, by resolution, nine members, any five of whom shall constitute a quorum.

(2247.) SEC. 66. The board of directors or trustees shall invest two-thirds of the deposits made with them upon the security of stocks of this State, or of the United States, or in the public debt, stock, or bonds of any city, county, or school district in this State which shall have been authorized by the Legislature of this State to issue such stocks or bonds, or loan the same upon bond secured by mortgage upon unincumbered real estate, worth at least double the amount loaned, or in such other manner as is authorized by this act. And from the remainder of said deposits, temporary deposits may be made by said board in any national bank, any of the incorporated banks of this State, or in any associations which are now or may hereafter be formed under the general banking law of this State, said deposit not to exceed fifty thousand dollars in any one bank, or they may keep the whole or any part of the said remainder to meet the current payments of such corporation, and which may be kept on deposit, interest or otherwise, or in such suitable form as the directors or trustees may direct. All certificates or evidences of deposit made by the proper officers of said banks shall be as effectual

Sections amended.

Directors or trustees shall manage business. Election of president and vice president.

Vacancies, how filled.

Quorum. *Provided.*

How two-thirds of deposits shall be invested.

Remainder may be deposited in other banks or kept on hand.

Certificates of deposit valid without seal

the Auditor General shall, at the end of each fiscal year, close the account with each and every appropriation made to cover expenditures from the State Treasury prior to the first day of January next preceding the close of the current fiscal year.

Approved May 10, 1877.

[No. 111.]

AN ACT relating to the punishment of bank, safe, and vault robbery.

Punishment for
injuring or
putting in fear
any person for
the purpose of
committing bank
robbery, etc.

SECTION 1. *The People of the State of Michigan enact*, That whoever, with the intent to commit the crime of larceny or any felony, shall confine, maim, injure, or wound, or attempt, or threaten to confine, kill, maim, injure, or wound, or shall put in fear any person for the purpose of stealing from any building, bank, safe, or other depository of money, bonds, or other valuables, or shall by intimidation, fear, or threats compel or attempt to compel any person to disclose or surrender the means of opening any building, bank, safe, vault, or other depository of money, bonds, or other valuables, or shall attempt to break, burn, blow up, or otherwise injure or destroy any safe, vault, or other depository of money, bonds, or other valuables in any building or place, shall, whether he succeeds or fails in the perpetration of such larceny or felony, be punished by imprisonment in the State Prison for life or any term of years.

Approved May 10, 1877.

[No. 112.]

AN ACT to amend section one of act number twenty-seven of the session laws of eighteen hundred and seventy-three, entitled "An act to provide for the approval of the official bonds of county officers by the Board of Supervisors."

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number twenty-seven of the session laws of eighteen hundred and seventy-three, entitled "An act to provide for the approval of the official bonds of county officers by the board of supervisors, approved March fourteenth, eighteen hundred and seventy-three," be and the same is hereby amended so as to read as follows:

Bonds of county
officers to be ap-
proved by board
of supervisors.

SEC. 1. All official bonds of county officers which are now required by law to be approved by the judge of the circuit court, shall hereafter be approved by the board of supervisors of the

county in which said officers are elected: *Provided, however,* That if the board of supervisors in any case shall not have approved of such bonds or the sufficiency of the sureties thereto, before any such officer shall enter upon the duties of his office, the circuit judge of the circuit to which such county may be attached, or the judge of probate of such county may, on application of the officer so elected, approve of the bond and the sureties thereto, on being satisfied of the pecuniary responsibility of the sureties to meet the exigencies of said bond, subject, however, to the approval of the board of supervisors at their first meeting thereafter: *Provided,* That this act shall not be in force or operation in Wayne county.

Provido—Wayne county excepted.

Approved May 11, 1877.

[No. 113.]

AN ACT to revise the laws providing for the incorporation of companies for mining, smelting, and manufacturing iron, copper, silver, mineral coal, and other ores or minerals, and to fix the duties and liabilities of such corporations.

SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for any number of persons not less than three, by articles of agreement in writing, to organize themselves into a corporation for the purpose of engaging in [and] carrying on any kind of mining business, or for refining, smelting, or manufacturing any and all kinds of ores, minerals, or metals, or for both mining, refining, smelting, and manufacturing any or all such ores, minerals, or metals, and such persons so organizing themselves shall, with their successors and assigns, constitute a body corporate under the name assumed by them in their articles of association: *Provided,* No two companies shall assume the same name.

How corporations formed.

SEC. 2. The articles of association of any corporation organized under the provisions of this act shall be acknowledged by not less than three of the persons whose names are signed thereto, before some person authorized by the laws of this State to take the acknowledgment of deeds, or if acknowledged outside of the State, it may be done before a commissioner of deeds of this State, a notary public having a seal, or any other person authorized to take acknowledgment of deeds, and such articles shall state:

Articles to be acknowledged and signed.

First, The purpose or purposes for which the corporation is formed;

What to be stated therein.

Second, The amount of the capital stock, and the number of shares;

Third, The amount of cash actually paid in on the capital stock, and the cash value of any property, real or personal, conveyed to the corporation contemporaneously with its organization;

Fourth, The names of the stockholders, their respective residences, and the number of shares held by each person;

Fifth, The place where the business office of the corporation is located, and when such office is without the limits of the State, the place where the office for the transaction of business within this State is located shall also be designated ;

Sixth, The county or counties in this State where the business of the corporation is to be carried on ;

Seventh, The number constituting the board of directors, and the directors for the first year ;

Eighth, The term of its existence, which shall not exceed thirty years.

Corporation may sell stock not subscribed for.

SEC. 3. It shall not be necessary for the original corporators to subscribe for the entire capital stock, but the portion not subscribed for may be disposed of at any time afterwards by the corporation in such manner as the by-laws of the corporation may prescribe.

Capital stock and shares.

SEC. 4. The capital stock of any corporation organized or existing under this act shall not be less than ten thousand dollars nor more than two million five hundred thousand dollars, and shall be divided into shares of twenty-five dollars each. There shall be a board of directors consisting of not less than three nor more than nine members in each corporation organized or existing under this act, who shall also be stockholders.

Board of directors.

Articles of association to be filed and recorded in offices of Secretary of State and county clerk.

SEC. 5. Before any corporation organized under this act shall commence business, the articles of association shall be executed and acknowledged in duplicate, and one of said articles shall be filed and recorded in the office of the Secretary of State, and the other shall be filed and recorded in the office of the county clerk where the business office of the corporation within this State is located, but if such business office is located outside of the State, then in the county in this State where the office for the transaction of business is located. Such articles shall be recorded at the expense of the corporation filing them, in books prepared for that purpose.

Irregularities as to articles of association not to invalidate organization or acts of corporation.

SEC. 6. Neither the organization of any corporation formed under the general mining and manufacturing laws of this State, or which may hereafter be organized under this act, nor any corporate act, shall be deemed invalid by reason of any omission in its articles of association, irregularity in filing them, or insufficiency of notice of meeting, unless such omission, irregularity, or insufficient notice shall have been fraudulently intended ; and the stockholders may at any meeting regularly called, by a vote of a majority of the stock, supply the omission in its articles, direct them to be properly filed, or ratify and confirm the action taken at a meeting insufficiently noticed, and upon this being done all the acts and proceedings of said corporation shall have the same force and effect as though said omission, irregularity, or insufficiency of notice had not existed.

Articles filed, " etc., prima facie evidence of organization.

SEC. 7. The articles of association so filed, the record thereof, or copies of such articles certified by the Secretary of State or county clerk, shall be *prima facie* evidence in all courts and proceedings of the organization of such corporation.

Call of first meeting of stockholders.

SEC. 8. When any corporation shall be formed under this act, the directors designated in the articles of association for the first

year, or a majority of them, may call the first meeting of the stockholders. If no directors are designated in such articles, then any two of those associated may call such first meeting. The notice for such first meeting shall specify the time and place for holding the same, and shall be published once in each week for three successive weeks immediately preceding the time for holding such meeting in some newspaper published in the county where such meeting is to be held, and mailed, with postage paid, to the last known post-office address of each stockholder; but if all the persons associating in the first instance sign a writing waiving such notice, and it appear of record in the minutes of such first meeting, then such notice need not be given.

Notice of first meeting.

Sec. 9. No meeting of the stockholders of any corporation organized or existing under the provisions of this act shall be legal or valid, or the proceedings thereof of any force or effect, unless the directors or other officers, or parties calling the same shall cause a notice of the time, place, and object of holding the same, to be published two weeks for any annual meeting, and four weeks for any special meeting, previous thereto, in some newspaper published in the county in which its business is carried on, or its mines or works are situated, if one be published therein; and if not, then in some paper published nearest to such mine, works, or place of business; and shall also cause a copy of such notice to be mailed, postage paid, to each stockholder of record at his usual post-office address, as appears on the books of the corporation, twenty days before the time of such meeting: *Provided*, If the directors or officers calling such meeting shall cause a written or printed notice thereof to be personally served on each stockholder of such corporation, at least twenty days previous thereto, and file proof of such service; or if all such stockholders actually appear and consent to act at such meeting without notice, and the fact thereof be entered upon the record of such meeting, the same shall be as valid as if notice were given as hereinbefore provided.

Meetings of stockholders not legal unless notice be published.

Proviso.

Sec. 10. Any person desiring to perpetuate evidence of the facts on which the legality of any alienation, division, sale, or mortgage of any of the real estate, mine works, or franchises, or any other corporate act of any such corporation depends, may procure—

How evidence of acts of corporation perpetuated.

First, An affidavit of the person or persons who served the notices of the meeting at which the same was authorized, on the several stockholders, showing the time and manner of such service;

Second, An affidavit of publication of the notice of such meeting, if such notice be published, to be made by the publisher of the newspaper in which the same was published, or by some one in his employ having knowledge of the facts;

Third, A transcript of the record of the proceedings of such meeting, to be verified by the oath of the secretary, or other officer of such corporation having custody of said record.

Said affidavit and verified transcript may be recorded in the office of the register of deeds of the proper county, in the book of miscellaneous records, and when so recorded the original affidavits and

Where evidence recorded.

transcripts, the records thereof, or a certified copy thereof, shall be *prima facie* evidence of the facts therein contained.

Meetings of stockholders may be adjourned.

SEC. 11. Any meeting of stockholders called and notified as herein required may be adjourned to any time not exceeding sixty days thereafter, at the same place, without any further or other notice, by the vote of a majority of the capital stock represented and voting thereat.

Meetings of stockholders to be provided for in by-laws.

SEC. 12. All meetings of the stockholders or directors not herein provided for shall be called in the manner provided in the by-laws of the corporation, and at any meeting of the stockholders, those holding a majority of the capital stock shall be capable of transacting the business of the meeting, except as herein otherwise provided; and at all meetings of such stockholders, each share shall be entitled to one vote. Stockholders may appear and vote in person, or by proxy duly filed, or by their duly constituted attorneys.

Manner of voting.

Powers of corporation.

SEC. 13. All corporations organized or existing under this act shall be capable of suing and being sued, impleading and being impleaded, in any court of competent jurisdiction in this State, may have a common seal and alter and change the same at pleasure, and make, from time to time, at any meeting of the stockholders, such by-laws, not inconsistent with the constitution and laws of this State, as a majority of the capital stock shall direct; and such by-laws, or any of them, may be altered, amended, or repealed by a like vote of the capital stock.

Board of directors to manage affairs.

Term of office.

SEC. 14. The stock, property, and affairs of all corporations existing hereunder shall be managed and controlled by the board of directors, except as in this act otherwise provided. The directors shall hold their offices for one year, and until their successors are duly chosen, and at least one of said directors shall be a resident of this State.

Officers selected by board.

Vacancy in board

SEC. 15. The board of directors of every such corporation shall choose one of their number president, and such other officers as their articles of association and by-laws may require, who shall hold their offices for one year, or until their successors are chosen and qualified. The directors for the time being may fill any vacancy which may happen in their board by death, resignation, or otherwise; and a majority of the board of directors of every such corporation, convened according to the by-laws, shall constitute a quorum for the transaction of business.

Quorum.

Provision in case of failure in annual election.

SEC. 16. If an election of directors shall not be held at the annual meeting, such corporation shall not be dissolved, but the election may be held at any time thereafter, by giving the same notice of the time and place of such election as is provided for calling annual meetings. The board of directors, or any of said board, may be removed at any meeting of the stockholders, called for that purpose, by a majority vote of the capital stock of the corporation, and the vacancy or vacancies so created may be filled by a like vote of the stockholders.

Board of directors may be removed and vacancies filled.

Books open for inspection of stockholders.

SEC. 17. The books of every such corporation containing the accounts shall, at all reasonable times, be open for the inspection of

any of the stockholders, and as often as once in each year a statement of the accounts of such corporation shall be made by order of the board of directors, and laid before the stockholders.

SEC. 18. The board of directors may call in the subscription to the capital stock of any corporation existing hereunder, by installments in such portion and at such times as said board of directors shall think proper. Notice of such calls shall be given in the manner prescribed in the by-laws. The board of directors may specify when such calls shall be due and payable, in the absence of any such provision in the by-laws. In case any stockholder fails to pay any such call or assessment made on his stock, for the space of sixty days after the same is due and payable, and after he has been notified in the manner prescribed in the by-laws, or by the board of directors, the stock of such delinquent stockholder may be sold by order of the board of directors by public vendue, to the highest bidder, at the business office of the corporation specified in the articles of association, either within or without the limits of this State, and thirty days' notice of the time and place of sale shall be given by publication in some newspaper published in the county in which such sale is to be made, and also in the county where the mine or manufacturing or smelting works of the corporation are situated, within this State, by at least four weekly insertions in such newspaper immediately preceding such sale: *Provided*, That if such stock is owned by a resident of the Upper Peninsula, it must be sold in the county in said Upper Peninsula where the mine, or manufacturing or smelting works of the corporation are situated, or in the county in the Upper Peninsula where the business office is located: *And provided further*, That if such stock is owned by a resident of the Lower Peninsula, it shall be sold at the office of the corporation in the Lower Peninsula, if any, and if not, then at the city of Detroit; and in all cases of sale of stock of residents of this State, thirty days' notice of the time and place of such sale shall be given in some newspaper published in the county where such sale is to be made; and if no newspaper is published therein, then in some paper published nearest thereto, by at least four weekly insertions immediately preceding such sale. The proceeds of any sale under this section, after deducting necessary expenses of sale, shall be first applied in payment of the installment called for, and the expenses on the same, and the residue shall be refunded to the owner thereof; and such sale shall entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought. The corporation may be a purchaser at any such sale.

SEC. 19. The stock of every such corporation shall be deemed personal property, and shall be transferred only on the books of the company in such form as the by-laws direct or as the directors shall prescribe; and such corporation shall at all times have a lien upon the stock of its members for all the debts due from them to such corporation, which may, after judgment obtained thereon, be enforced by advertisement and sale in the manner herein provided for selling delinquent stock; and all purchasers at such sale shall be entitled to the rights of stockholders.

Statement of accounts.

Calling in subscriptions to capital stock.

Stock of delinquent stockholder, how sold.

Provided.

Further provided.

Proceeds of sale.

Stock to be deemed personal property.

Corporation to have lien upon stock for debts due from members.

Increase or diminution of capital stock.

SEC. 20. Subject to the limitations of section four of this act, the capital stock and number of shares may be increased or diminished at any meeting called for that purpose, by a vote of two-thirds of the capital stock of the corporation, and at such meeting the stockholders shall have power to make all necessary provisions for calling in and cancelling the old, and issuing new certificates of stock.

May own stock in canal or harbor companies, railroads, etc.

SEC. 21. It shall be lawful for any company organized or existing under this act to subscribe for or purchase stock in any company formed to construct canals or harbors and improve the same, or in any plank road or railroad, when such improvement or road is constructed for the purpose of facilitating transportation to its mines, furnaces, or smelting works.

Where business may be conducted.

SEC. 22. It shall be lawful for any corporation formed under the provisions of this act to conduct its mining and manufacturing business, in whole or in part, at any place or places within the United States, and any such corporation shall be subject to the laws of this State in regard to corporations, so far as the same shall be applicable to corporations formed under this act.

Foreign corporations may carry on business in this State.

SEC. 23. Foreign corporations organized for the purposes contemplated by this act, upon filing copies of their charter or articles of incorporation, as provided in section five, may carry on business in this State, and shall enjoy all the rights and privileges, and be subject to all the restrictions and liabilities of corporations existing under this act.

A vote of three-fifths in interest necessary to pass title.

SEC. 24. No alienation, division, sale, or mortgage of any, or any part of the mine works, real estate, or franchise of any corporation mentioned in the first section of this act, shall have any force or effect, or pass any title thereto, or interest therein, unless expressly authorized by the vote of three-fifths of the capital stock of said company at some meeting of stockholders called, and notified in accordance with the provisions of section nine of this act: *Provided*, That the provisions of this section shall not apply to city or village lots, nor to land not required for mining purposes from which the timber has been removed, nor to rights of way and depot grounds for railroads, and rights of way for highways, which may be conveyed when authorized by a vote of a majority of the directors.

Proviso as to land not required for mining purposes.

How corporations may consolidate.

SEC. 25. Any two or more corporations organized under this act may, by a vote of three-fifths of the capital stock of each of said corporations, at any meeting of stockholders duly called to consider the question of consolidation, notice of such meeting by mail, postage paid, sent to each stockholder at least sixty days previous to said meeting, may agree to unite and consolidate the said corporations. At such meeting the terms upon which the consolidation shall be effected, the valuation of the several properties, and the number of shares of stock in the consolidated corporation to which the stockholders in each of the corporations may be entitled, shall be determined. The capital stock and the number of shares in the consolidated corporation may be the same, but no greater than the aggregated capital stock and number of shares of the several corpora-

Terms of consolidation.

Capital stock and number of shares.

tions before such consolidation, but in no case shall a greater amount of capital be called in by the consolidated corporation under this act than that remaining unpaid on the stock of the several corporations at the time of such consolidation. The several corporations forming such consolidated corporation, before the said consolidation shall be completed, shall file in the offices designated in section five of this act a certificate signed by the president and secretary of each of said corporations and verified under oath, showing the amount of capital stock actually paid in, the amount expended for the purchase of lands, and for improvements made upon said lands by each of said corporations; the consolidated corporation shall also file its articles of association as provided in said section five, which shall be signed and acknowledged in the manner provided in section two of this act, by the presidents and secretaries of the several corporations so consolidating: *Provided*, That the capital stock of every consolidated corporation shall be subject to the limitations of section four of this act.

Certificate to be filed as provided in section five of this act.

Limit of capital stock.

SEC. 26. The consolidated corporation so formed shall hold and enjoy all the powers, privileges, rights, franchises, properties, claims, demands, and estates, which at the time of such union may be held and enjoyed by either of the said existing corporations, and be subject to all the dues, demands, contracts, and liabilities existing against either of the same; and all suits at law or in equity, and all proceedings which may be pending, to which either corporation shall be a party, may be prosecuted and defended by the consolidated corporation in the same name, in like manner, and with the same effect as might have been done had such union not have been formed. All claims, contracts, rights, and causes of action of or against either corporation, at law or in equity, may be enforced by suit or action, to be commenced and prosecuted by or against the corporation formed as aforesaid. And the said existing corporations shall continue corporations for the purpose of prosecuting and defending any suits or proceedings pending at the time of such consolidation.

Powers, rights, etc., of consolidated corporations.

SEC. 27. The officers of the existing corporations shall continue to exercise, in behalf of the corporations so to be formed, all their rights and powers, until the consolidated corporation shall be organized; and thereafter each of the said existing corporations shall continue, for the purpose of perfecting the said union, and of doing all such acts and things, as may be necessary therefor; and shall execute all such transfers, conveyances and assignments, as the corporation formed as aforesaid may deem necessary or expedient to vest in itself any property, estates, contracts, rights, or claims which do not vest in it by virtue or authority of this act.

Officers of existing corporations to continue.

SEC. 28. Any corporation consolidated under this act shall have power to call in and cancel the certificates of stock of the several corporations so consolidating, and to make and issue to its stockholders new certificates of stock in the consolidated corporation, in such proportions to each as each shall be entitled to, according to the terms of consolidation as agreed upon, and to cancel the stock

Provision for cancelling stock and issuing new stock.

of any stockholder who shall not return his stock to be canceled as aforesaid, within thirty days after actual notice of the resolution of the corporation for calling in such stock, or who shall not return his stock after publication of notice of said resolution once in each week for four successive weeks in some daily paper published in the city of Detroit, also in some paper published in the Upper Peninsula, also in a paper published in the place where the principal business office of the company is located, if any paper is published at such place.

How articles of association may be amended.

SEC. 29. It shall be lawful for any company organized or existing under this act, upon a vote of two-thirds of its capital stock, at any meeting thereof duly called, to alter and amend its articles of association in such manner not inconsistent with the provisions of this act, as it may determine; and upon such vote, said company may make articles amendatory of their original articles, which shall be signed and certified by the president and secretary of said company, and filed and recorded in the manner provided for the filing and recording of the original articles of such associations; and when so executed and filed, such amendatory articles shall have the same force and effect as though such alterations or amendments had been included in and made a part of the original articles of association, and they may be proved by certified copies thereof, in the manner provided for the proof of the original articles of such association.

Business office may be out of this State.

SEC. 30. It shall be lawful for any company associating under this act to provide in the articles of association, for having the business office of such company out of this State, and to hold any meeting of the stockholders or board of directors of such company, at such office so provided for; but every such company having its business office out of this State, shall have an office for the transaction of business within this State, to be also designated in such articles of association.

Must have business office within this State.

Quantity of land to be held.

SEC. 31. Any corporation organized or existing under this act shall have power to acquire and hold any quantity of land, not to exceed fifty thousand acres.

Annual report.

SEC. 32. It shall be the duty of the president and secretary of each corporation, annually in the month of July, to make a report for the preceding year ending December thirty-first, containing a statement of:

First, The amount of cash paid in on the capital stock;

Second, The amount of capital paid in by the conveyance of property to the corporation;

Third, The entire amount invested in real estate;

Fourth, The amount of personal estate;

Fifth, The amount of the unsecured or floating debt of the corporation, as near as may be;

Sixth, The amount of the secured or bonded debt of the corporation;

Seventh, The amount due to the corporation;

Eighth, The number of gross tons of copper obtained;

Ninth, The number of gross tons of two thousand two hundred and forty pounds each, of iron ore mined and shipped;

Tenth, The number of gross tons of mineral coal mined;

Eleventh, The number of gross tons of pig iron manufactured;

Twelfth, The number of tons of any other mineral or ore mined;

Thirteenth, The amount of slate or stone mined;

Fourteenth, The name of each stockholder of record and the number of shares held by him on the said thirty-first day of December, and when stock is held in trust or in some representative capacity, it shall be so stated.

SEC. 33. Such report shall be executed in duplicate by said president and secretary, and shall be sworn to before some officer authorized to administer oaths. If sworn to outside the limits of the State it shall be before a Commissioner for Michigan, a notary public having a seal, or any other person authorized to take acknowledgments of deeds. Such duplicate report shall be filed on or before the thirty-first day of July annually, one copy with the Auditor General of this State, and the other with the clerk of the county in this State where the mine or smelting or manufacturing works of the corporation are principally or wholly situated. If any person signing such duplicate report shall, as to any material facts therein stated, willfully swear falsely, he shall be deemed guilty of perjury. Blank reports shall be prepared by the Auditor General and furnished to any corporation on application therefor. Whenever any corporation ceases to carry on business for one year or more it shall not be required to make such reports until it again commences business.

Report to be in duplicate, etc.

To be filed with Auditor General and county clerk.

Swearing falsely, perjury.

Blank reports furnished by Auditor General.

SEC. 34. If said officers, or either of them, mentioned in the preceding section, willfully and intentionally neglects to make and file the report required in said preceding section, they shall be deemed guilty of a misdemeanor.

Intentional neglect to make report deemed a misdemeanor.

SEC. 35. The stockholders of all corporations existing hereunder shall be individually liable for all labor performed for such corporation, which said liability may be enforced by action in assumpsit commenced within two years from the time when payment for such labor became due, and not afterwards. Every action against any stockholder for labor heretofore performed for any such corporation shall be brought within two years after this act takes effect, and not afterwards, but this shall not be construed as reviving any cause of action already barred by any statute of limitations, nor shall it include any cause of action, the right to sue for which will expire in less than two years after this act takes effect, by virtue of some existing statute of limitation. Suit for such labor may be commenced against any or all the stockholders and the corporation jointly; but no levy shall be made upon the property of stockholders under an execution issued upon such judgment until the property of the corporation shall have been exhausted, and the clerk of the court issuing such execution shall endorse thereon a direction to the officer to that effect. Suit may be commenced against the corporation alone at any time within six years from the time the cause of action accrues, as in other personal actions.

Stockholders individually liable for labor performed for corporation.

Property of corporation exhausted before levy on property of stockholders.

SEC. 36. If any stockholder shall be compelled by any action to

Stockholders compelled to pay debts of corporation, may recover ratable amount due from other stockholders.

pay the debts of the corporation, or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them at law or in equity, jointly or severally, or any number of them, and recover in such action or suit the ratable amount due from the stockholder or stockholders so sued.

Service of legal process against corporation, how made.

Personal actions, where commenced.

SEC. 37. Service of any legal process, against any corporation organized or existing hereunder may be made on the president, vice president, secretary, treasurer, superintendent, or agent. Personal actions against said corporations shall be commenced only in the county where the mine, or smelting or other manufacturing works are situated, or in the county where the business office in this State is located. Suits may be commenced in any manner in which suits are or may hereafter be commenced against natural persons. Upon the return of any process, rule, or order showing that no personal service can be had, the court, or judge thereof, if a court of record having common-law or equity jurisdiction, may by an order prescribe the manner in which service of such process, rule, or order may be made. In any suit or proceeding instituted by or against any corporation existing hereunder, it shall not be necessary to set forth its corporate character, nor where it carries on its business, nor where its business office is located.

Manner of service of process, etc., when personal service cannot be had.

Want of seal not to invalidate instrument in writing.

SEC. 38. The want of the corporate seal to any instrument in writing shall not invalidate such instrument if in all other respects legally authorized by the corporation, and signed by the president and secretary, or other duly authorized officer or officers of the corporation.

Secretary to keep record of stockholders and number of shares owned by each.

SEC. 39. The secretary of every corporation shall keep an accurate record of its stockholders, with the number of shares owned by each, which shall at all reasonable times be open for the inspection of any stockholder. If such officer refuse to exhibit such record, he shall forfeit a penalty of fifty dollars for each offense.

Executors, guardians, trustees, etc., may represent stock in his hands, etc.

SEC. 40. An executor, administrator, guardian, or trustee may represent the shares of stock in his hands at all meetings of the corporation, and may, in his representative capacity, vote as a stockholder, but shall not be personally liable as a stockholder by reason of acting in such representative capacity.

Provisions for dissolving corporation and organizing under this act.

SEC. 41. Any corporation engaged in the kind of business contemplated by this act, organized and doing business under any special charter heretofore granted by this State, may at any time, by a vote of a majority of its capital stock, at any annual meeting, or a special meeting called for that purpose pursuant to the provisions of this act, dissolve its organization, and organize under this act, and any corporation so organizing under this act shall have the right, in preference to any other company or corporation, to assume the name by which it was known in its former charter. After perfecting its organization according to the provisions of this act, it shall be entitled to all the rights, privileges, and immunities herein conferred and the property, effects, and rights of action of such corporation shall pass to and be vested in the corporation so organized under

Rights, privileges, etc., of new corporation.

this act, and the debts, liabilities, and demands existing against such corporation so dissolved, shall be and remain debts, liabilities, and demands against such corporation so organized hereunder, and may be prosecuted against it in like manner, and to the like effect, as they might have been against the corporation so dissolved: *Provided*, Any such corporation shall perfect its organization within sixty days after dissolving under its special charter: *And provided further*, That before any such corporation shall commence doing business under this act, it shall file in the same manner as articles of association are, by the provisions of this act, required to be filed, a copy of the proceedings had dissolving its organization under its special charter as aforesaid, verified by its secretary as a true copy of such proceedings, in the office of the Secretary of State and county clerk of the county where such corporation carries on its business, together with its articles of association as provided in section five of this act. Such verified copies shall be recorded in such offices at the expense of such corporation, and the copies so filed, the record thereof, or copies of them certified by the Secretary of State or by the county clerk, shall be *prima facie* evidence in all courts and places of the facts therein set forth.

Copy of proceedings, articles of association, etc., to be filed.

To be recorded.

SEC. 42. When any corporation organized for the purposes contemplated by this act shall, for a period of five years, cease to be actually engaged in the business for which it was organized, stockholders holding not less than one-third of its capital stock, may file a petition in the circuit court in chancery in the county in which its mine or works are located for its dissolution. Notice of such application shall be given to the stockholders and creditors in such manner as the court may direct, and said court shall, upon final hearing, enter a decree dissolving the corporation, and directing the sale of its property, and the distribution of the proceeds among its stockholders after payment of its indebtedness. Such dissolution shall not affect the liabilities of officers or stockholders previously incurred. If at any time before final decree it shall be made to appear to the court that the stockholders holding more than two-thirds of the stock desire the existence of the corporation to be continued, the proceedings shall be discontinued and dismissed. The time prior to the passage of this act, in which any such corporation shall not have been actually engaged in its business, as well as the time subsequent thereto, shall be considered in determining the right of such stockholder to petition for the dissolution of the corporation.

Corporation may be dissolved after ceasing to be engaged in business for five years.

SEC. 43. All meetings heretofore held or corporate acts done, without the limits of this State, by any corporation organized for the purposes contemplated by this act, shall be held and are hereby declared to be, as lawful and binding as though held or done in this State.

Meetings and acts out of State legalized.

SEC. 44. The following entitled acts, so far as they relate to corporations authorized by this act, are hereby repealed, viz.: "An act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, or silver ores," approved April eight, eighteen hundred and fifty-one; "An act to amend section three of

Acts repealed.

an act entitled 'An act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, or silver ores,' approved June twenty-eight, eighteen hundred and fifty-one; "An act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores, or minerals, and for other manufacturing purposes," approved February five, eighteen hundred and fifty-three; "An act supplementary to an act entitled 'An act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores, or minerals, and for other manufacturing purposes,' approved February five, eighteen hundred and fifty-three," approved February six, eighteen hundred and fifty-five; "An act to authorize mining companies to subscribe and take stock in plank roads or railroads and to regulate the taxation thereon," approved February eight, eighteen hundred and fifty-five; "An act to confer certain powers upon mining companies," approved February thirteen, eighteen hundred and fifty-five; "An act to amend section fifteen of an act entitled 'An act to authorize the formation of corporations for mining, smelting, and manufacturing iron, copper, mineral coal, silver, or other ores and minerals, and for other manufacturing purposes,' approved February five, eighteen hundred and fifty-three," approved February ninth, eighteen hundred and fifty-seven; "An act to authorize the consolidation of mining companies," approved February seventeen, eighteen hundred and fifty-seven; "An act to authorize mining corporations to increase the number of shares into which their capital stocks may be divided," approved February nine, eighteen hundred and fifty-seven; "An act to amend an act to authorize mining companies to increase the number of shares into which their capital stock may be divided," approved February seventeenth, eighteen hundred and fifty-seven; "An act to amend section eighteen hundred and thirteen, being section fifteen of chapter sixty-three of the compiled laws," approved February five, eighteen hundred and fifty-nine; "An act to amend an act entitled 'An act to confer certain powers on mining companies,' approved February thirteen, eighteen hundred and fifty-five," approved February fifteen, eighteen hundred and fifty-nine; "An act to amend 'An act to authorize mining companies to subscribe and take stock in plank roads and railroads, and to regulate taxation thereon,' approved February eight, eighteen hundred and fifty-five, being section one thousand eight hundred and thirty-one of the compiled laws," approved March fourteen, eighteen hundred and sixty-three; "An act supplementary to an act entitled 'An act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver or other ores or minerals,' approved February fifth, eighteen hundred and fifty-three," approved March fourteen, eighteen hundred and sixty-five; "An act to amend section six of an act entitled 'An act supplementary to an act to amend an act entitled an act to authorize the formation of corporations for mining, smelting, or manufacturing purposes,'

approved February six, eighteen hundred and fifty-five," approved March sixteen, eighteen hundred and sixty-five; "An act to amend an act entitled 'An act to authorize the formation of corporations for mining, smelting or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes,' approved February five, eighteen hundred and fifty-three, by adding three new sections thereto," approved March twelve, eighteen hundred and sixty-seven; "An act to amend sections five, ten, and twenty-four of an act entitled 'An act to authorize the formation of corporations for mining, smelting or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes,' approved February five, eighteen hundred and fifty-three, being sections one thousand eight hundred and three, one thousand eight hundred and eight, and one thousand eight hundred and twenty-two of the compiled laws," approved March twenty-three, eighteen hundred and sixty-seven; "An act supplementary to an act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes, approved February fifteen, eighteen hundred and fifty-three," approved March twenty-seven, eighteen hundred and sixty-seven; "An act to amend act number one hundred and seventy-four of the session laws of eighteen hundred and sixty-seven, being 'An act supplementary to an act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver or other ores or minerals, and for other manufacturing purposes,' approved February fifteen, eighteen hundred and fifty-three," approved March sixteen, eighteen hundred and sixty-nine; "An act to amend section one of act number eighty-nine of the session laws of eighteen hundred and sixty-seven, being an act entitled 'An act to amend sections five, ten, and twenty-four of an act entitled 'An act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other purposes,' approved February five, eighteen hundred and fifty-three, being sections eighteen hundred and three, eighteen hundred and eight, and eighteen hundred and seventy-two of the compiled laws," approved March twenty-six, eighteen hundred and sixty-nine; "An act to authorize the consolidation of mining corporations," approved January twenty-seven, eighteen hundred and seventy-one; "An act to amend section seventeen of chapter sixty-three, being section one thousand eight hundred and fifteen of the compiled laws, relative to the individual liability of stockholders in mining and manufacturing companies," approved April fifteen, eighteen hundred and seventy-one; "An act to authorize corporations of other States to engage in mining, smelting, or refining of ores or metals within this State," approved April fifteen, eighteen hundred and seventy-one; "An act to amend section eighteen hundred and thirteen, being section fifteen of chapter sixty-three of the compiled laws relative to the formation of mining and manufacturing companies, as amended by an act entitled

‘An act to amend section eighteen hundred and thirteen, being section fifteen of chapter sixty-three of the compiled laws,’ approved February five, eighteen hundred and fifty-nine,” approved April seventeen, eighteen hundred and seventy-one; “An act to provide for the alteration or amendment of the articles of association of companies organized under chapter ninety-five of the compiled laws of eighteen hundred and seventy-one, and to repeal ‘An act to authorize manufacturing companies to amend their articles of association,’ approved February five, eighteen hundred and sixty-four,” approved February twenty-five, eighteen hundred and seventy-three; and an act entitled “An act to amend sections six, fifteen, and twenty-three of an act entitled ‘An act to authorize the formation of corporations for mining, smelting or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes,’ approved February five, eighteen hundred and fifty-three, being sections two thousand eight hundred and forty-one, two thousand eight hundred and fifty, and two thousand eight hundred and fifty-eight of the compiled laws of eighteen hundred and seventy-one,” approved April sixteen, eighteen hundred and seventy-five, and all other acts and parts of acts contravening any of the provisions of this act, are hereby repealed; but the repeal of the foregoing acts shall not dissolve any corporation formed or existing under them, and all corporations of the nature of the corporations authorized to be organized under this act, now organized and existing under said several acts in this section mentioned, or either of them, shall be deemed and taken to be organizations under this act, and all rights, obligations, and liabilities contracted, acquired, or incurred by any of such last mentioned corporations thereunder, or under the provisions of any law now in force, not inconsistent with the provisions of this act, shall continue of the same force and effect as though such acts or laws had not been repealed; and all such corporations, from and after the taking effect of this act, shall be subject to all the provisions hereof, as fully as though such organization had been perfected hereunder, and such corporations may continue to carry on the business specified in their articles of association under the provisions of this act as lawfully as if said acts mentioned in this section were not repealed; but no corporation shall hereafter be formed hereunder except for the purposes specified in section one of this act: *Provided*, That nothing in this act contained shall be construed as in anywise affecting any other corporation whatever, organized under the several above named acts, for purposes other than those mentioned in section one of this act, but as to all such corporations the said several acts shall remain in full force.

Repeal of acts
not to dissolve
corporations
formed under
them.

Existing corpo-
rations subject to
provisions of this
act.

Act not to affect
other corpora-
tions.

SEC. 45. This act shall take immediate effect.
Approved May 11, 1877.

[No. 114.]

AN ACT to provide for the preparation and publication of an index to the General Laws passed at the sessions of the Legislature for the years eighteen hundred and seventy-two, eighteen hundred and seventy-three, eighteen hundred and seventy-four, eighteen hundred and seventy-five, and eighteen hundred and seventy-seven, and at stated periods thereafter.

SECTION 1. *The People of the State of Michigan enact*, That the officer or officers entrusted with the preparation for publication of the session laws of eighteen hundred and seventy-seven shall prepare and cause to be published with the same a full and complete index of all the general laws enacted by the Legislature during the years eighteen hundred and seventy-two, eighteen hundred and seventy-three, eighteen hundred and seventy-four, eighteen hundred and seventy-five, and eighteen hundred and seventy-seven; such index to give briefly subject matter of law, reference to year, page of session law, and to section of compiled laws altered, amended, or repealed, so arranged as to secure easy reference to compiled laws, and any changes made in same by alteration, amendment, or repeal.

Index to general laws passed since 1871.

SEC. 2. An index like that provided for in section one of this act shall hereafter be prepared and published with the session laws of each succeeding Legislature, giving as above provided, by reference to subject matter, chapter and section of compiled laws, all changes, alterations, amendments, and repeals from the date of such compiled laws to the date of such index, until there shall be another general revision or compilation of the general laws of the State.

Index to be published with laws of each succeeding legislature.

SEC. 3. The compensation for the preparation of the indexes above provided for shall be such as shall be allowed by the Board of State Auditors, on presentation of bills for the same, itemized and verified as said Board of State Auditors shall from time to time require.

Compensation.

SEC. 4. This act shall take immediate effect.

Approved May 12, 1877.

[No. 115.]

AN ACT to amend section fourteen of chapter two hundred and eighteen of the compiled laws of eighteen hundred and seventy-one, being section six thousand nine hundred and twenty-five of said compiled laws, relative to foreclosure by advertisement.

SECTION 1. *The People of the State of Michigan enact*, That section fourteen of chapter two hundred and eighteen of the compiled laws of eighteen hundred and seventy-one, being section six thousand nine hundred and twenty-five of said compiled laws, relative to foreclosure by advertisement, be and the same hereby is so amended as to read as follows:

Section amended.

Payment of surplus to mortgagor, etc.

To registers in chancery for claimants other than mortgagor.

Application for order to take proof before a circuit court commissioner.

Order directing payment.

(6925.) SEC. 14. If after any sale of real estate, made as herein prescribed, there shall remain in the hands of the officer or other person making the sale, any surplus money after satisfying the mortgage on which such real estate was sold, and payment of the costs and expenses of such foreclosure and sale, the surplus shall be paid over by such officer or other person on demand, to the mortgagor, his legal representatives or assigns, unless at the time of such sale, or before such surplus shall be so paid over, some claimant or claimants, shall file with such person so making such sale, a claim or claims, in writing, duly verified by the oath of such claimant, his agent or attorney, that such claimant has a subsequent mortgage or lien encumbering such real estate, or some part thereof, and stating the amount thereof unpaid, setting forth the facts and nature of the same, in which case the person so making such sale, shall forthwith upon receiving such claim, pay such surplus to, and file such written claim with the register of the circuit court in chancery of the county in which such sale is so made; and thereupon any person or persons interested in such surplus, may apply to said court for an order referring it to a circuit court commissioner of said county, to take proofs of the facts and circumstances contained in such claim or claims so filed, and such commissioner shall, upon receiving such order, summon such claimant or claimants, party or parties interested in such surplus, to appear before him at a time and place to be by him named, and attend the taking such proof, and such claimant or claimants or party interested who shall appear as aforesaid, may examine witnesses and produce such proof as they or either of them may see fit, and the said commissioner shall, after such proofs are closed, at his earliest convenience report the same to said court with his opinion thereon, and said court shall thereupon make an order in the premises directing the disposition of said surplus moneys or payment thereof in accordance with the rights of such claimant, claimants or persons interested.

Approved May 12, 1877.

[No. 116.]

AN ACT to amend section fifty of an act to revise and consolidate the laws relative to the State Prison, being act number two hundred and thirteen of the session laws of eighteen hundred and seventy-five, approved May third, eighteen hundred and seventy-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section fifty of act number two hundred and thirteen of the session laws of eighteen hundred and seventy-five, approved May three, eighteen hundred and seventy-five, be and the same is hereby amended so as to read as follows:

SEC. 50. The inspectors of the State Prison and the managers of the State House of Correction and Reformatory shall together constitute a general Board, and shall meet together semi-annually alternately at such Prison and House of Correction; and it shall be their duty acting in conjunction to ascertain the number of persons confined in each institution, their conduct, and so far as possible, their offenses and character; and if it shall appear that either the State Prison or the State House of Correction and Reformatory has or is likely to have more convicts than there are cells therein, or that there is a greater number of convicts in either one than can be well accommodated therein, or that such convicts where they are cannot be employed profitably by the State, or whenever in the judgment of the Boards so acting jointly, the interests of the State, or the health or improvement of the convicts or any of them demand it, or where it is otherwise material, or in furtherance of justice, the said Board, constituted as above stated, shall have and are hereby invested with power to transfer persons convicted of crime from one institution to the other and may by warrant directed to the warden of the institution from which it is deemed desirable to remove any such person, direct him to forthwith transport such convicts to the other institution, designating them by name, and the warden to whom such warrant is directed, shall at once cause the persons so named to be removed, to be safely and securely transported to the institution to which they are to be sent, and shall deliver convicts with the certified copy of their sentence to the warden of the institution to which they shall be sent: *Provided*, That the judge of any court in pronouncing sentence, hereafter, upon an adjudged criminal, shall order his confinement in the State Prison at Jackson, or the House of Correction at Ionia, with provision that the general board of managers of said State Prison and House of Correction shall have power to transfer such adjudged criminal from one of said institutions to the other: *Provided further*, That no person shall be transferred from the State Prison to the State House of Correction and Reformatory, who are undergoing sentence for life, or who are more than twenty-five years old, or who are known to have been previously convicted of grave offenses; and the warden of the institution to which such transferred [convict] shall be sent, shall receive and keep them according to their sentences, as if they had been originally committed to such institution. The members of the said Board shall elect at their first meeting a chairman, to hold his office during the pleasure of the Board, and the clerk of the institution at which such meeting is held shall be clerk of said Board, and shall enter upon the records of such institution a full statement of their proceedings, and all its transactions touching transfers shall be decided by a vote of at least a majority of each Board. The several members of the said general Board shall be allowed their actual expenses in going to and from the places of meeting, and the sum of three dollars per day for each day necessarily and actually employed in their said duties, to be certified by the secretary of the Board, on

General board of managers of State Prison and State House of Correction.

Power to transfer convicts.

Proviso—order of judge upon pronouncing sentence.

Proviso—certain persons not to be transferred.

Chairman of board.

Compensation of board.

the oath of each member, and paid by the State Treasurer on the warrant of the Auditor General.

Approved May 12, 1877.

[No. 117.]

AN ACT to provide for an assistant to the State Librarian, and for the expense of the removal of the State Library to the rooms designed therefor in the new capitol.

Assistant librarian, appropriation for.

Appointment of.

Appropriation for removal of State library.

How drawn and expended.

SECTION 1. *The People of the State of Michigan enact*, That the sum of three hundred dollars for the year one thousand eight hundred and seventy-seven and the sum of five hundred dollars for the year one thousand eight hundred and seventy-eight, be and the same is hereby appropriated out of any money in the State Treasury to the credit of the general fund not otherwise appropriated, for the payment of an assistant State Librarian, and that the State Librarian, with the advice and consent of the Governor, be authorized to appoint such assistant, at a salary of not exceeding three hundred dollars for the balance of the year eighteen hundred and seventy-seven, and of not exceeding five hundred dollars for the year eighteen hundred and seventy-eight. Such salary payable monthly.

SEC. 2. That there be appropriated in like manner for the year one thousand eight hundred and seventy-eight the sum of three hundred dollars, or so much thereof as may be necessary, for the expense of removal of the State Library to the rooms designed therefor in the new capitol building, to be certified by the State Librarian and audited by the State Board of Auditors.

SEC. 3. The money so appropriated shall be drawn from the State Treasury upon the warrant of the Auditor General, and shall be expended by the State Librarian, with the advice and consent of the Governor, for the purpose aforesaid.

SEC. 4. This act shall take immediate effect.

Approved May 12, 1877.

[No. 118.]

AN ACT to amend sections one, two, three, four, five, eight, and nine of chapter one hundred and forty-six, being compiler's sections four thousand and forty-four, four thousand and forty-five, four thousand and forty-six, four thousand and forty-seven, four thousand and forty-eight, four thousand and fifty-two, and four thousand and fifty-three, of the compiled laws of eighteen hundred and seventy-one, relative to the collection of tolls and for the care, charge, and operating of the St. Mary's Falls Ship Canal.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, three, four, five, eight, and nine of chapter one

hundred and forty-six, being compiler's sections four thousand and forty-four, four thousand and forty-five, four thousand and forty-six, four thousand and forty-seven, four thousand and forty-eight, four thousand and fifty-two, and four thousand and fifty-three of the compiled laws of eighteen hundred and seventy-one, be and the same are hereby amended so as to read as follows:

(4044.) SEC. 1. The Governor is hereby authorized, by and with the consent of the Senate, to appoint a superintendent and a collector of tolls of the Saint Mary's falls ship canal, whose terms of office shall commence at the time they are appointed and qualified, and continue for two years from the first day of January of the year in which they are appointed, or until their successors in office are appointed and ready to enter upon their duties, and the said superintendent and collector shall each, before entering upon the duties of his office, and within twenty days after receiving official notice of his appointment, take and subscribe the constitutional oath of office, and shall each give a bond to the people of the State of Michigan in the sum of twenty thousand dollars, with two or more sureties, conditioned for the faithful discharge of the duties of his office and for the rendering of a just and true account of all moneys that may come into his hands, and for the prompt payment thereof to the State Treasurer, as required by law, which bonds shall be approved by the Governor, Auditor General, and State Treasurer, who are hereby appointed and constituted a board of control of said canal, and shall, within the aforesaid twenty days, be deposited, together with the oaths above mentioned, with the Secretary of State, who shall file and preserve the same in his office. Said superintendent, under the direction of said board of control, shall have the general care and supervision of said canal and of the property belonging thereto, and of the operating thereof, and shall be authorized in such manner and form as said board shall by general rules and regulations provide to employ such assistants and purchase such material as shall be necessary for operating and keeping the same in repair, and shall be empowered to remove all obstructions to such canal as shall be prescribed by said board of control, and shall make all such repairs or alterations as shall be directed by said board. All bills for labor performed or materials furnished for the said canal shall be certified by the superintendent to the collector on such forms and shall be paid on such vouchers as said board of control shall prescribe: *Provided*, That no bills shall be certified unless the labor has actually been performed or the materials actually delivered. It shall be the duty of said superintendent on the last day of each month to transmit to the board of control a statement of the vessels passing through said canal for the current month, exhibiting date, name of vessel and captain, tonnage, place of enrollment, whether steamboat, propeller or sail vessel, and of tolls collectible from each; also the condition of said canal and of all repairs made for the current month, and an estimate of such repairs and expenditures as he may deem to be necessary for the succeeding month. The superintendent shall receive such salary

Appointment of superintendent and collector of tolls.

Terms of office.

Oath and bond.

Approval of bonds.

Board of control.

Superintendent under direction of board to have general supervision of canal.

Proviso.

To transmit to board monthly statements of vessels passing through canal, etc.

Salary.	as shall be fixed and established by said board, not exceeding one thousand five hundred dollars per annum, which shall include all clerk hire under said superintendent, payable by the State Treasurer from the Saint Mary's falls ship canal fund on the warrant of the Auditor General.
Collector to have charge of money, books, receive tolls, etc.	(4045.) SEC. 2. The collector of said canal shall have charge of the money, books, and accounts of the canal, and shall receive such tolls from vessels passing into or through said canal as shall be hereinafter provided and established by this act, and shall keep an accurate account thereof, and on the last day of each month in which any tolls shall be collected, he shall transmit duplicate receipts of the same to the board of control, and a statement showing the amount of money paid out for the benefit of the canal, and for what purpose, and on the last day of each month, or at such other time as the board of control shall direct, he shall pay to the State Treasurer all tolls or moneys collected, over and above a sum not exceeding five hundred dollars after paying the actual and necessary expenses for the care, repairs, and operating of said canal subject in all cases to the approval of the said board of control; and the tolls or moneys paid as aforesaid to the State Treasurer shall be known as the Saint Mary's Falls ship canal fund. The said collector shall, subject to the approval of the board of control, pay all bills for the expenses of, care, repairs, and operating of the canal, on the certificate of the superintendent as aforesaid, and shall keep the accounts of the canal in the manner required by act number one hundred and forty-eight, of the session laws of eighteen hundred and seventy-three, and shall account monthly to the Auditor General for all moneys received and disbursed, as required by said act. It shall also be the duty of said collector to require and obtain from the master or owner of any steamboat, propeller, or vessel navigating said canal a statement of their several bills of lading, or cargo, and also the number of passengers, and he shall keep a record of all vessels passing through said canal, exhibiting the name of the vessel and captain, tonnage, place of enrollment, and whether steamboat, propeller, or sail vessel. It shall also be the duty of said collector to make an annual report to the Governor of this State on or before the last Monday of December in each year. The collector shall receive such salary as shall be fixed and established by the board of control, not exceeding one thousand five hundred dollars per annum, which shall include all clerk hire under said collector, payable by the State Treasurer from the Saint Mary's Falls ship canal fund, on the warrant of the Auditor General.
To transmit duplicate receipts, etc., to board.	
Money collected to be paid to State Treasurer.	
Canal fund.	
Collector to pay bills for expenses, etc.	
How to keep accounts.	
To keep record of vessels, cargoes, etc.	
To report annually to Governor.	
Salary.	
Tolls to be paid.	(4046.) SEC. 3. Before any vessel shall be allowed to pass into or through said canal, there shall be paid to the said collector the sum of three cents on every ton of such vessel's enrolled tonnage or measurement, or such other rate per ton as may be at any time established by said board of control, after giving thirty days' notice of such change in two or more daily papers published in Detroit and Cleveland. No toll or other charges shall be collected upon tug-

boats, provided they are not employed in the carrying of freight or passengers, or upon the vessels of the United States engaged in the public service or in the transportation of property or troops of the United States.

(4047.) SEC. 4. It shall be the duty of said board of control to make, from time to time, such rules and regulations as they may deem necessary for the benefit and usefulness of said canal, and all such rules and regulations shall be binding on said superintendent and collector; and if at any time the tolls of said canal, paid into the said canal fund as aforesaid, shall not be sufficient for any necessary or extraordinary repairs of said canal, the said State Treasurer is authorized and empowered to pay or advance such sum or sums of money from any money in the Treasury of this State, not otherwise appropriated, as shall be ordered by said board of control for said repairs, not exceeding ten thousand dollars in any one year; the said sum or sums of money so paid or advanced to be reimbursed to said State Treasurer, with lawful interest on the same, from said canal fund. The members of the said board of control shall each receive, as compensation for necessary services in going to and from and inspecting said canal, the sum of three dollars per day and mileage at the rate of five cents per mile; such compensation to be paid by the State Treasurer from the canal fund.

Board of control to make rules.

When tolls not sufficient for repairs State Treasurer may advance money.

Limit.

Compensation of board.

(4048.) SEC. 5. Said superintendent and collector shall be subject to removal, for cause, by the said board of control, and if a vacancy shall occur, by removal or otherwise, the said board shall fill such vacancy, and any person so appointed shall execute and file the bond and oath as hereinbefore required, and shall hold his office during the remainder of the term, unless sooner removed.

Removal of superintendent and collector.

(4052.) SEC. 8. In case the person at any time appointed as superintendent or collector shall not be, or shall not arrive, at the Sault Ste. Marie at the commencement of his term of office, his predecessor, agent, or deputy, being there, shall continue to be charged with and perform the duties of superintendent or collector, as the case may be, until the arrival of the person appointed, and be entitled to receive the salary until the actual arrival of his successor, and subject to the same responsibilities as during the term of his office specially designated by law.

Superintendent and collector to remain in office until their successors arrive.

(4053.) SEC. 9. In case the said superintendent or collector shall be and remain away from the Sault St. Mary's, at any time during the period for which he is or shall be charged with the care of said canal, for the space of more than two weeks, without the consent of the board of control, at any one time, his salary shall cease and he shall not be entitled to the same during such absence.

Salary to cease if absent from canal over two weeks.

SEC. 2. This act shall take immediate effect.

Approved May 12, 1877.

[No. 119.]

AN ACT to authorize the formation of corporations for the prevention of cruelty to animals and fowls.

Who may be incorporated.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than five, may become a body corporate for the purpose of preventing cruelty to animals and fowls. Such corporation shall be formed by the persons associated for that purpose, executing under their hands, and acknowledging before some person authorized to take acknowledgments of deeds, articles of association, which shall contain,—

Articles of association, what to contain.

First, The proposed corporate name of the association ;
Second, The place where the principal office of the corporation will be located ;
Third, The period for which the corporation shall continue ;
Fourth, The objects of the corporation ;
Fifth, The names of the persons associating, and their respective places of residence ;
Sixth, The number of directors and regular officers ;
Seventh, The terms and conditions of membership, both active and honorary.

Articles to be filed and recorded in office of Secretary of State.

SEC. 2. A copy of such articles of association so executed and acknowledged, verified by the affidavit of one of the persons who executed the original, shall be filed and recorded in the office of the Secretary of State, and thereafter the persons so executing such articles, and those who may afterwards become associated with them, shall become and be a body politic and corporate for the purposes in such articles mentioned.

Board of directors.

SEC. 3. The affairs of such corporation shall be managed by a board of directors, to be chosen in the first instance by the persons who shall have executed the articles of association, and thenceforth annually by the members of the association. The president, secretary, and treasurer of the association shall be chosen by the board of directors, and the president shall be *ex officio* a member of the board.

President, secretary, and treasurer, how chosen.

Powers of board of directors.

SEC. 4. The board of directors shall have power to make by-laws, prescribing the terms and conditions of membership of the association, and in respect to all other matters relating to the association and its business, not inconsistent with the provisions of this act. A majority of the members of the board shall constitute a quorum for the transaction of all business.

Quorum.

Authority to hold property.

SEC. 5. Any corporation organized under this act shall have power to take, hold, and convey real and personal property, not exceeding ten thousand dollars in the aggregate.

Report to Auditor General.

SEC. 6. Such corporation shall, whenever required by the Auditor General, make and file with that officer a report, giving a full statement of its affairs, showing the amount of money and the property, its character, and value received by it, and from whom such money and property have been received, and also the disposi-

tion made thereof, together with an itemized statement of all money expended by it, and for what purposes.

SEC. 7. The objects of such corporation shall be to prevent cruelty to animals and fowls by the enforcement of the laws of the State on such subjects, and all other lawful means, and shall exercise no other powers.

Approved May 14, 1877.

[No. 120.]

AN ACT to promote the mining interests of the Upper Peninsula of this State by enabling persons and corporations engaged in mining to establish and maintain mills for stamping and working ores and minerals.

SECTION 1. *The People of the State of Michigan enact, That* whenever any mining corporation shall erect and maintain, or has heretofore erected and still maintains, any stamp mill for the purpose of stamping, breaking, or crushing any ores or rock containing copper, iron, silver, or any other mineral, or any of the ores thereof, and which shall require the use of water for the purpose of washing, separating, cleansing, or purifying the same, such corporation shall have the right to use for that purpose any stream or body of water which flows upon or across the lands owned or occupied by such corporation: *Provided, That* nothing herein contained shall be construed as exempting any such corporation from liability to any person or corporation for any damages that may be sustained by reason of the use of any stream or body of water for the purposes aforesaid.

Object of corporation.

Right of mining corporations to the use of streams, etc., for the purpose of washing ores.

Damages.

SEC. 2. No injunction shall issue for the purpose of enjoining or restraining any corporation from using the water in any stream or body of water in the manner and for the purposes contemplated by this act: *Provided, That* the provisions of this section shall not apply to any insolvent corporation, but if any injunction shall be issued against any such insolvent corporation engaged in the business contemplated by this act the same shall be dissolved upon the giving such bond as the court may direct and approve, conditioned for the payment of any judgment that may be obtained at law against it for any damages arising from the use of such stream or body of water.

Injunction for purpose of preventing use of streams, etc., prohibited.

Proviso—insolvent corporation.

SEC. 3. This act shall take immediate effect.

Approved May 14, 1877.

[No. 121.]

AN ACT to detach the county of Cheboygan from the eleventh judicial circuit, and to attach the same to the thirteenth judicial circuit.

- County detached.** SECTION 1. *The People of the State of Michigan enact*, That the county of Cheboygan be detached from the eleventh judicial circuit, and attached to the thirteenth judicial circuit.
- Fixing time for holding court.** SEC. 2. The judge of the thirteenth judicial circuit shall have the power, and it shall be his duty, on or before the first day of July, eighteen hundred and seventy-seven, to fix the time for holding the terms of court in said county of Cheboygan, and to give notice thereof to the clerk of said county, and he shall have jurisdiction of all judgments, decrees, records, files, books, papers, suits, prosecutions, causes and proceedings pending and being in the circuit court for the said county of Cheboygan.
- Jurisdiction.** SEC. 3. This act shall take immediate effect.
- Approved May 14, 1877.

[No. 122.]

AN ACT for the incorporation of associations for yachting, hunting, boating, fishing, rowing, and other lawful sporting purposes.

- Who may be incorporated.** SECTION 1. *The People of the State of Michigan enact*, That any ten or more persons of full age, citizens of the United States, a majority of whom shall also be citizens of this State, who shall desire to associate themselves for yacting, hunting, fishing, boating, rowing, and other lawful sporting purposes, may make, sign, and acknowledge before any officer authorized to take acknowledgment of deeds in this State, and file in the office of the Secretary of State, and also in the office of the county clerk where the business of the association shall be conducted, a certificate in writing, in which shall be stated the name or title by which such association shall be known in law; the particular business and object of such association; the number of directors or managers to manage the same, and the names of such directors, or managers, for the first year of its existence, but nothing in this act contained shall authorize the incorporation of any association for any purpose repugnant to any statute of this State or prohibited thereby.
- Certificate to be filed with Secretary of State and county clerk.** SEC. 2. Upon filing a certificate as aforesaid, the persons who shall have signed and acknowledged the same, and their associates, and successors, shall thereupon, by virtue of this act, be a body politic and corporate by the name stated in such certificate, and by that name they and their successors shall and may have succession and shall be persons in law, capable of suing and being sued, and they and their successors may have and use a common seal, and the same may alter and change at pleasure; and they and their successors by their corporate name, shall in law and equity be capable
- What to contain.**
- Body politic.**

of taking and receiving real and personal estate, either by purchase, gift, grant, lease or bargain and sale, devise and bequest, not exceeding twenty-five thousand dollars in the aggregate, for the purpose of their corporation, but for no other purpose, and the same at pleasure, grant, bargain, mortgage, sell or lease, for the use of said association; make all needful rules, regulations, and by-laws, for the management of its affairs, not inconsistent with the constitution and laws of the State or of the United States, to elect and appoint the officers and agent of such association for the management of its business, and to allow them a suitable compensation.

SEC. 3. As soon as such certificate shall have been filed as above provided, any ten of the corporators may call the first meeting of such association in the following manner, that is to say, they shall file with the said county clerk and the Secretary of the State a written call for the said meeting, which call shall be signed by such persons, and shall briefly set forth the day, hour, and place of meeting, and the purposes thereof. The time of such meeting shall be not less than four weeks nor more than eight weeks from such call. After filing such call as aforesaid, they shall also cause a correct copy thereof to be published in some paper circulating in the county wherein the clerk's office is situated in which the said call is filed, once in each week for three successive weeks before the time of meeting. At such meeting, and annually thereafter, there shall be elected from such members as shall be residents of this State the officers of such association, and five directors or managers, who with such other officers of the said association not exceeding four in number, as shall be designated by the by-laws of such association, shall constitute the Board of Directors. The said Board shall have the control and management of the funds, and the business affairs of the said association. A majority of the said Board shall constitute a quorum for the transaction of business, and when any vacancy shall occur among such directors by death, resignation, neglect to serve, ineligibility, or otherwise, such vacancy shall be filled in such manner as shall be provided by the constitution and by-laws of such association.

SEC. 4. In case it shall at any time happen that an election of officers, directors, or managers, shall not be made on the day designated by the constitution and by-laws, said association for that cause shall not be dissolved, but it shall and may be lawful on any other day to hold an election for officers, directors, or managers, in such manner as may be directed by the constitution and by-laws of such association.

SEC. 5. Any association organized under this act may, by its constitution and by-laws limit and fix the amount of expenditure and debts that such directors and managers may incur on behalf of said association in any respect; and if said directors or managers shall incur an indebtedness exceeding the amount so limited and fixed, the association shall be liable for same, and the directors and managers shall be severally and jointly liable to the said association,

Authorized to hold real and personal estate.
Limit.

Make by-laws, etc.

First meeting of corporators, how called.

Call to be filed with Secretary of State and county clerk.

Time of meeting.

Call to be published.

Election of officers.

Board of directors.

Quorum.

Vacancy.

When officers are not elected as provided in constitution and by-laws.

Association may limit the amount of expenditures, etc.

its successors and assigns, in an action founded on the statute for all and any indebtedness which shall exceed the amount so fixed and limited by the constitution and by-laws and which such association shall have paid.

Not to use name of existing corporation.

SEC. 6. No such corporation shall use the name or style of any other existing corporation organized under this act.

Articles of association evidence.

SEC. 7. The articles of association filed as required by this act or a copy thereof certified by the officer with whom they are so filed, may be given in evidence in any court of this State for or against said association; said association shall possess the general powers conferred by and be subject to the provisions and restrictions of chapter fifty-five, title ten, of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable to associations formed under this act.

General powers, etc.

SEC. 8. This act shall take immediate effect.

Approved May 14, 1877.

[No. 123.]

AN ACT to amend section three of chapter two hundred and five of the compiled laws of eighteen hundred and seventy-one, entitled "Proceedings by and against corporations in courts of law," being compiler's section six thousand five hundred and forty-four.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section three of chapter two hundred and five of the compiled laws of eighteen hundred and seventy-one, entitled "Proceedings by and against corporations in courts of law," be amended so as to read as follows:

Suits against corporations, how commenced.

(6544.) SEC. 3. Suits against corporations may be commenced by original writs of summons, or by declaration, in the same manner that personal actions may be commenced against individuals, and such writ, or copy of such declaration in any suit against a corporation, may be served on the presiding officer, the cashier, the secretary, or the treasurer thereof (or upon the operator or agent in charge of any office or place of business of any telegraph company), or if there be no such officer (or operator or agent of such telegraph company), or none can be found, such service may be made on such other officer or member of such corporation, or in such other manner, as the court in which the suit is brought may direct.

Approved May 14, 1877.

[No. 124.]

AN ACT to amend section seventy-six of chapter twelve of the compiled laws of eighteen hundred and seventy-one, being compiler's section seven hundred and twelve, so that township treasurers shall not hold the office for more than two years in succession.

SECTION 1. *The People of the State of Michigan enact*, That section seventy-six of chapter twelve of the compiled laws of eighteen hundred and seventy-one, being compiler's section seven hundred and twelve, be and is hereby amended to read as follows:

(712.) SEC. 76. The township treasurer shall receive and take charge of all moneys belonging to the township, or which are by law required to be paid into the township treasury, including all moneys that may accrue to his township on account of non-resident highway taxes, and shall pay over and account for the same, according to the order of such township, or the officers thereof duly authorized in that behalf; and shall perform all such other duties as shall be required of him by law; but no person shall be eligible to the office of township treasurer for more than two years in succession.

Section amended.

Duties of treasurer.

Not to hold office more than two years in succession.

Approved May 14, 1877.

[No. 125.]

AN ACT to amend sections thirteen, fifteen, sixteen, twenty-one, thirty-two, and thirty-three of chapter one hundred and eighty-nine of compiled laws of eighteen hundred and seventy-one, being compiler's sections five thousand nine hundred and eighty-two, five thousand nine hundred and eighty-four, five thousand nine hundred and eighty-five, five thousand nine hundred and ninety, six thousand and one, and six thousand and two, relative to drawing of jurors.

SECTION 1. *The People of the State of Michigan enact*, That sections thirteen, fifteen, sixteen, twenty-one, thirty-two, and thirty-three of chapter one hundred and eighty-nine of the compiled laws of eighteen hundred and seventy-one, being compiler's sections five thousand nine hundred and eighty-two, five thousand nine hundred and eighty-four, five thousand nine hundred and eighty-five, five thousand nine hundred and ninety, six thousand and one, and six thousand and two, be and the same are amended so as to read as follows:

(5982.) SEC. 13. On receiving such lists, the county clerk shall file the same in his office, and shall write down the names contained therein on separate pieces of paper of the same size and appearance as nearly as may be; and shall fold up each of such pieces of paper so as to conceal the names thereon, and he shall make two separate packages for each township or supervisor district in his county, one

Sections amended.

Duty of county clerk on receiving lists.

package for the names of the grand and one for the names of the petit jurors, upon each of which packages he shall endorse the name of the township or supervisor district in which the persons whose names are contained in such package reside, and also on the package containing the names of persons returned as grand jurors, the words "grand jurors;" and on the package containing the names of the persons returned as petit jurors, the words "petit jurors;" and he shall place in the package marked "grand jurors" all the names appearing upon the list returned as grand jurors; and in the package marked "petit jurors" all the names appearing upon the list returned as petit jurors from the township or supervisor district represented by the name endorsed upon such package, and he shall number said packages in numerical order, commencing with number one (1).

On receiving
new list names of
preceding year
to be destroyed.

(5984.) SEC. 15. Upon receiving such new lists, the county clerk shall destroy the names placed in said packages for the preceding year and replace the same by the names contained in such new lists in the same manner as above required.

Jury when to be
drawn.

(5985.) SEC. 16. At least fourteen days before the holding of any circuit court at which such juries shall be required by law, the clerk of the county where such court is to be held shall draw from the petit jurors the names of twenty-four persons, and any additional number that may have been ordered by the court, to serve as petit jurors; and also from the grand jurors the names of twenty-three persons to serve as grand jurors: *Provided*, A grand jury shall have been ordered by the court.

Drawing, how
conducted.

(5990.) SEC. 21. The clerk shall conduct such drawing as follows:

First, He shall place in a box prepared for that purpose, first only the names contained in one of said packages, and he shall then shake the box so as to mix the slips of paper upon which such names were written as much as possible;

Second, He shall publicly draw out of said box one slip of paper, and hand the same to the officer in attendance whose duty it is to keep a minute of the names drawn; when such officer shall have made a minute of the name so drawn, said clerk shall withdraw from said box all the remaining names and return them to the package from which they were taken; and thereupon he shall place in said box only the names contained in the package represented by the number next in numerical order to the one from which the last name was drawn, and shall proceed to draw therefrom one name, hand the same to the attending officer, and return the balance thereof to the package from which they were taken in the same manner as hereinbefore provided for drawing the first name, and the said clerk shall continue drawing one name from each package in their numerical order in the manner hereinbefore provided until the number of jurors required shall have been drawn, and the said county clerk shall keep a record of the number of the package from which the last name was drawn at each drawing, and shall at the next succeeding drawing of jurors commence to draw

from the package next in numerical order to the one from which the last name was drawn at the last preceding drawing;

Third, A minute of the drawing shall be kept by one of the attending officers, in which shall be entered the name contained on every slip of paper so drawn, before any other such slip shall be drawn;

Fourth, If, after drawing the whole number required for grand or petit jurors, the name of any person shall appear to have been drawn who is dead, or insane, or who has permanently removed from the county, to the knowledge of the clerk or any other attending officer, an entry of such fact shall be made in the minute of the drawing, and the slip of paper containing such name shall be destroyed;

Fifth, Another name shall then be drawn in place of that contained on the slip of paper so destroyed, which shall in like manner be entered in the minutes of the drawing;

Sixth, The same proceedings shall be had as often as may be necessary, until the whole number of jurors required shall have been drawn;

Seventh, The minute of the drawing shall then be signed by the clerk and the attending officers, and filed in the clerk's office;

Eighth, Separate lists of the names of the persons so drawn for petit jurors, and of those drawn for grand jurors, with their place [places] of residence, and specifying for what term of court they were drawn, shall be made and certified by the clerk and the attending officers, and shall be delivered to the sheriff of the county.

(6001.) SEC. 32. Whenever, for any cause, grand or petit jurors shall not have been drawn and summoned to attend any circuit court, or a sufficient number of qualified jurors shall fail to appear, such court may, in its discretion, order a sufficient number of grand or petit jurors, or both, to be forthwith drawn and summoned to attend such court: *Provided*, That in drawing jurors under this section the court may, for the purpose of obtaining a jury or talesmen near the county seat, direct from which townships or supervisor districts such jurors shall be drawn.

When court may order jury to be drawn and summoned forthwith.

Proviso.

(6002.) SEC. 33. The sheriff, on receiving a list of jurors drawn pursuant to the preceding section, shall proceed to summon such jurors in the manner aforesaid forthwith to attend such court.

Duty of sheriff on receiving list of jurors.

Approved May 14, 1877.

[No. 126.]

AN ACT to amend section fifteen of chapter one hundred and eighty-one of the compiled laws of eighteen hundred and seventy-one, being compiler's section five thousand six hundred and seventy-four, relating to courts, and the powers and duties of certain judicial officers.

SECTION 1. *The People of the State of Michigan enact*, That section fifteen of chapter one hundred and eighty-one of the com-

Section amended.

piled laws of eighteen hundred and seventy-one be amended so as to read as follows :

Who may
appoint tempo-
rary place for
holding court.

(5674.) SEC. 15. Whenever there shall be no court-house in any county, or the court-house shall, for any cause, be unsafe, inconvenient, or unfit for the holding of any court, the board of supervisors for such county, or the judge of the circuit court of the judicial circuit in which such county is situated, may appoint some other convenient building at the seat of justice of such county as a temporary place for holding such court.

SEC. 2. This act shall take immediate effect.

Approved May 14, 1877.

[No. 127.]

AN ACT to amend section four thousand five hundred and eighty-two of the compiled laws, being section thirty-eight of chapter one hundred and sixty-three, relative to sales by executors.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four thousand five hundred and eighty-two of the compiled laws of eighteen hundred and seventy-one, relative to sales by executors, be amended so as to read as follows :

Guardian, when
may be licensed
to sell real estate
of ward.

(4582.) SEC. 38. When the goods, chattels, rights, and credits in the hands of the guardian of any minor, or of any idiot or insane person, or any person under guardianship on account of excessive drinking, gaming, idleness, or debauchery, shall be insufficient to pay all the just debts of his ward, or all expenses incurred by any county in the care, support, or maintenance of such ward, with the charges of managing his estate, the guardian may be licensed by the probate court of the county in which such guardian was appointed to sell his real estate for that purpose, in like manner and upon the same terms and conditions as are prescribed in this chapter in the case of a sale by executors or administrators, excepting in the particulars in which a different provision is hereinafter made.

Approved May 14, 1877.

[No. 128.]

AN ACT to amend section one of an act entitled "An act to authorize and empower the Board of Control of State swamp lands to make an appropriation of State swamp lands to aid in the construction of a railroad from the straits of Mackinaw to Marquette harbor, on Lake Superior," approved March twenty-first, eighteen hundred and seventy-three, as amended by an act approved March twenty-fourth, eighteen hundred and seventy-four, and also by an act approved April fifteenth, eighteen hundred and seventy-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to authorize and empower

the Board of Control of State swamp lands to aid in the construction of a railroad from the straits of Mackinaw to Marquette harbor on Lake Superior," approved March twenty-first, eighteen hundred and seventy-three, as amended by act approved March twenty-fourth, eighteen hundred and seventy-four, and by act approved April fifteenth, eighteen hundred and seventy-five, be and the same is hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact*, That to secure the early construction of a railroad from the straits of Mackinaw to Marquette harbor, on Lake Superior, and for the purposes of drainage and reclamation, the Board of Control of State swamp lands are hereby authorized and empowered, if by them deemed expedient and for the best interests of the State and of the section to be penetrated by said railroad, to appropriate not to exceed sixteen sections of swamp lands per mile to any railroad company that shall construct and complete such railroad in running order on or before December thirty-first, eighteen hundred and seventy-nine, with like effect to all intents and purposes as though such period were embraced in the original act: *Provided, however*, That if, from the financial condition of the county [country] and the present discredit of all railway investments, difficulties shall occur in raising the money for the construction of said railroad, which may delay its inception and progress, the rights of the company to the grant and privileges hereby authorized shall not be forfeited by reason of the non-completion of the road at the time specified: *Provided*, The progress of the work be such at said time as to render the completion thereof assured to the satisfaction of the said Board of Control within a reasonable time thereafter, not exceeding one additional year, and the same shall be actually completed within that time. Said Board of Control of swamp lands may, in their discretion, award and convey to the company constructing said railroad the number of acres earned upon the completion of any twenty mile sections of said railroad: *Provided further*, That said sections are completed ready for the rolling stock, and the said Board of Control shall deem the same necessary to facilitate the completion of said railroad. The Board of Control shall not appropriate the lands as provided in this act for the building of any road not of the ordinary Michigan gauge of track, furnished with the iron or steel rail of at least the ordinary weight on first-class railroads.

Board of control may make appropriation of swamp lands.

Number of sections per mile.

When road to be completed.

Proviso.

Proviso.

Conveyance on completion of any twenty mile section of road.

Proviso.

Gauge of track, etc.

Sec. 2. This act shall take immediate effect.

The foregoing act passed the Senate and House by a vote of two-thirds of all the members elect.

Approved May 14, 1877.

[No. 129.]

AN ACT to amend act number one hundred and fifty-two of the session laws of eighteen hundred and seventy-five, approved April twenty-nine, eighteen hundred and seventy-five, and also to amend sections ten, eleven, and twelve of chapter two hundred and eighteen, being sections six thousand nine hundred and twenty-one, six thousand nine hundred and twenty-two, and six thousand nine hundred and twenty-three of the compiled laws of eighteen hundred and seventy-one, relative to foreclosure by advertisement.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That act number one hundred and fifty-two of the session laws of eighteen hundred and seventy-five, approved April twenty-ninth, eighteen hundred and seventy-five, and also sections ten, eleven, and twelve of chapter two hundred and eighteen, being sections six thousand nine hundred and twenty-one, six thousand nine hundred and twenty-two, and six thousand nine hundred and twenty-three of the compiled laws of eighteen hundred and seventy-one, relative to foreclosure by advertisement, be and the same is hereby amended so as to read as follows:

Deed of sale.

(6920.) SEC. 9. The officer or person making the sale shall forthwith execute, acknowledge, and deliver to each purchaser a deed of the premises bid off by him; and if the lands are situated in several counties, he shall make separate deeds of the lands in each county, and specify therein the precise amounts for which each parcel of land therein described was sold. And he shall endorse upon each deed the time when the same will become operative in case the premises are not redeemed according to law. Such deed or deeds shall, as soon as practicable, and within twenty days after such sale, be deposited with the register of deeds of the county in which the land therein described is situated, and the register shall endorse thereon the time the same was received, and for the better preservation thereof, shall record the same at length in a book to be provided in his office for that purpose, and shall index the same in the regular index of deeds; and the fee for recording the same shall be included among the other costs and expenses allowed by law. In case such premises shall be redeemed, the register of deeds shall, at the time of destroying such deed, as provided in section twelve of this chapter, write on the face of such record the word "Redeemed," stating at what date such entry is made, and signing such entry with his official signature.

Deposit of deed
with register.

Record.

Entry when
premises are
redeemed.

Effect of deed if
premises are not
redeemed.

(6921.) SEC. 10. Unless the premises described in such deed shall be redeemed within the time limited for such redemption, as hereinafter provided, such deed shall thereupon become operative, and shall vest in the grantee therein named, his heirs or assigns, all the right, title, and interest which the mortgagor had at the time of the execution of the mortgage, or at any time thereafter, except as to any parcel or parcels which may have been redeemed and cancelled, as hereinafter provided; and the record thereof shall thereafter, for all purposes, be deemed a valid record of said deed

without being re-recorded; but no person having any valid subsisting lien upon the mortgaged premises, or any part thereof, created before the lien of such mortgage took effect, shall be prejudiced by any such sale, nor shall his rights or interests be in any way affected thereby.

(6922.) SEC. 11. If the mortgagor, his heirs, executors, administrators, or any person lawfully claiming from or under him or them, shall, within one year from the time of such sale, redeem the entire premises sold, by paying to the purchaser, his executors, administrators, or assigns, or to the register of deeds in whose office such deed is deposited, for the benefit of such purchaser, the sum which was bid therefor, with interest from the time of the sale at the rate per cent borne by the mortgage, not exceeding ten per cent per annum, and in case such payment is made to the register of deeds, the sum of one dollar as a fee for the care and custody of such redemption money, then such deed shall be void and of no effect; but in case any distinct lot or parcel separately sold shall be redeemed, leaving a portion of the premises unredeemed, then such deed shall be inoperative merely to the parcel or parcels so redeemed, and to those portions not so redeemed shall remain valid and of full effect. How land redeemed.

(6923.) SEC. 12. Upon the payment of the entire sum bid at such sale, and interest thereon, and the fee of one dollar mentioned in the preceding section, as aforesaid, to the register in whose office the deed therefor shall have been deposited, or upon delivering to such register a certificate, signed and acknowledged by the person entitled to receive the same, and certified by some officer authorized to take the acknowledgment of deeds, setting forth that such sum, with interest, has been paid to such person, and upon paying to such register a fee of twenty-five cents, such register shall thereupon destroy such deed, and shall enter in the margin of the record of such mortgage a memorandum that such mortgage is satisfied; or, in case the premises shall have been sold in parcels, and one or more of said parcels shall have been redeemed, as hereinbefore provided, it shall then be the duty of the register to enter upon the face of said sheriff's deed, and the record thereof, a memorandum that the same is inoperative as to the parcel or parcels so redeemed, and to enter in the margin of the record of such mortgage a memorandum that the same is satisfied as to the parcel or parcels so redeemed. Redemption of part.

Approved May 14, 1877. Proceedings upon redemption.

[No. 130.]

AN ACT to amend sections four thousand eight hundred and twenty-two and four thousand eight hundred and thirty of the compiled laws, being sections thirteen and twenty-one, of chapter one hundred and seventy-two, relative to guardians and wards.

SECTION 1. *The People of the State of Michigan enact, That* sections four thousand eight hundred and twenty-two and four Sections amended.

thousand eight hundred and thirty of the compiled laws of eighteen hundred and seventy-one, relative to guardians and wards, be amended so as to read as follows:

Application for guardian of insane and incompetent persons.

(4822.) SEC. 13. When the relations or friends of any insane person, or of any person who, by reason of extreme old age or other cause, is mentally incompetent to have the charge and management of his property, or in case such insane or mentally incompetent person is a charge upon any county, when the directors of the poor of said county shall apply to the judge of probate to have a guardian appointed for him, the judge shall cause a notice to be given to the supposed insane or incompetent person, of the time and place of hearing the case, not less than fourteen days before the time so appointed.

Guardian to pay debts of ward out of his estate.

(4830.) SEC. 21. Every guardian appointed under the provisions of this chapter, whether for a minor or any other person, shall pay all just debts due from the ward and all expenses incurred by any county, in the care, support or maintenance of such ward, upon the approval of the judge of probate, out of his personal estate, and the income of his real estate, if sufficient, and if not, then out of his real estate, upon obtaining license for the sale thereof, and disposing of the same in the manner provided by law.

Approved May 14, 1877.

[No. 131.]

AN ACT to authorize the Board of Control of State Swamp Lands to make an appropriation to repair, preserve, and reconstruct a part of the Cass River and Bay City State Road.

Board of control authorized to make appropriation.

SECTION 1. *The People of the State of Michigan enact*, That the State Board of Control of State Swamp Lands are hereby authorized to appropriate so many acres of State swamp lands in the Lower Peninsula, not exceeding fifteen thousand acres, as they may deem proper after a full investigation of its merits, to aid in repairing or rebuilding that part of the Cass River and Bay City State Road which is situated on section twenty-five in township fourteen north, of range six east, in Bay county, and on sections twenty-nine and thirty in township fourteen north, of range seven east, in Tuscola county: *Provided*, That such repairs or reconstruction shall be done in pursuance of the provisions of law in relation to the construction of swamp land State roads: *And provided further*, That the said board may authorize the change of the route of said road through the aforesaid sections if, in their judgment, it shall appear to be for the interest of the State to do so.

Proviso.

Proviso—change of route authorized.

SEC. 2. This act shall take immediate effect.

The foregoing act passed the Senate and House by a vote of two-thirds of all the members elect.

Approved May 14, 1877.

[No. 132.]

AN ACT to ratify and confirm the action of the Board of Control of Railroads of the State of Michigan, and of the Governor of the State of Michigan, in disposing of and conveying certain lands for railroad purposes.

SECTION 1. *The People of the State of Michigan enact*, That the action of the Board of Control of Railroads on the first day of May, 1873, in conferring upon the Port Huron and Lake Michigan railroad company certain lands, granted by the Congress of the United States to the State of Michigan June 3d, 1856, to aid in the construction of a railroad from Grand Haven and Pere Marquette to Flint, and thence to Port Huron, is hereby ratified and confirmed, with like force and effect as if said board had, at the time of its said action, due and full authority in that behalf: *Provided, however*, That nothing in this act shall impair or effect any valid right or interest heretofore acquired by any individual or corporation in said lands or any part thereof.

Action of Board of Control conferring lands ratified and confirmed.

SEC. 2. The action of the Governor of this State in conveying said lands to the Port Huron and Lake Michigan railroad company, on the (30th) thirtieth day of May, eighteen hundred and seventy-three, in pursuance of the act of said Board of Control of Railroads, is hereby ratified and confirmed, and said conveyance shall be deemed to be of full force and effect from the date thereof.

Action of Governor conveying lands ratified and confirmed.

SEC. 3. This act shall take immediate effect.

Passed the Senate by a vote of two-thirds of all the Senators elect.

Passed the House by a vote of two-thirds of all the members elect.

Approved May 14, 1877.

[No. 133.]

AN ACT providing for the employment, defining the duties, and fixing the compensation of a Stenographer for the Circuit Court for the county of Kent, State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That a stenographer for the circuit court for the county of Kent shall be appointed by the Governor, on the certificate of the judge of said court, that the business of said court is such as to render the employment of a stenographer desirable.

How appointed.

SEC. 2. The person so appointed shall hold the position during the pleasure of the Governor, provided the court shall have the power to suspend him for misconduct, and in case of such suspension he shall thereafter cease to hold the office of stenographer, unless by order of the court his suspension be rescinded. If such suspension shall not be rescinded within thirty days after the order, the office shall be deemed vacant, and it shall thereupon be the duty of the

Term of office.

Governor on receiving notice of such vacancy from the presiding judge, to fill the same by appointment.

Death or resignation.

SEC. 3. In case of the death or resignation of the stenographer or his inability to serve from any cause, the Governor shall appoint a successor to the office on receiving notice of such from the presiding judge; but in case of sickness or temporary absence of the stenographer, the judge may appoint some competent person to act in his absence.

Duty of stenographer.

SEC. 4. It shall be the duty of the stenographer so appointed to attend upon the court at each term, under the direction of the court, and to take full phonographic notes of the testimony and other proceedings in the trial of cases, and in case the counsel for either party shall desire a transcript of the testimony or proceedings, it shall be the duty of the stenographer so appointed to furnish the same, and he shall be entitled to receive therefor from the party so requiring it, the sum of ten cents per folio for each folio so transcribed, and such record shall be deemed the official record of the court: *Provided*, That if the judge shall desire a copy of the testimony and other proceedings upon any trial, the stenographer shall make and file the same.

Fees for transcripts.

Proviso.

Compensation.

SEC. 5. The stenographer so appointed shall receive as a compensation for such services, the sum of fifteen hundred dollars per annum, which sum shall be paid in monthly installments out of the county treasury, upon the order of the clerk of said court; said clerk being hereby authorized and directed to draw such orders and the county treasurer to pay the same upon presentation.

Power to appoint assistant.

SEC. 6. The stenographer so appointed shall have the power to appoint an assistant, subject to the approval of the court, whose duties shall be subject to, and whose compensation shall be paid by the stenographer: *Provided*, The stenographer shall have the power to revoke such appointment at any time.

Proviso.

Annual appropriation by board of supervisors.

SEC. 7. To make up and pay the salary specified in section five of this act, the board of supervisors shall annually appropriate the sum of fifteen hundred dollars for such purpose: *Provided*, That the sum already appropriated for such purpose, for the year eighteen hundred and seventy-seven, shall be applied on the payment of such salary for the year eighteen hundred and seventy-seven.

Amount taxed in each cause tried.

SEC. 8. Each and every issue of fact tried before the court or jury, shall be taxed three dollars; the same to be paid by the parties to the suit, in equal proportions, before the taking of testimony is commenced, into the hands of the clerk of the court, and by him to be paid into the county treasury, to apply upon the payment of the salary of said stenographer hereinbefore provided, and the prevailing party shall have the amount so paid by him, taxed in his costs as proper disbursements.

Official oath.

SEC. 9. Before entering upon the duties of his office, such stenographer shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge.

SEC. 10. In cases tried in the circuit court, in which such sten-

ographer shall be engaged, sections one and four of an act entitled "An act to declare and establish the practice in charging or instructing juries, and in settling the law in cases tried in circuit courts," approved March twenty-sixth, eighteen hundred and sixty-nine, shall not apply.

Sections of act relating to circuit courts passed in 1869 not to apply.

SEC. 11. All acts or parts of acts, contravening the provisions hereof, in force at the time of the passage of this act, shall be construed as void and of no effect, as applying to the county of Kent.

Acts not to apply to Kent county.

SEC. 12. This act shall take immediate effect.

Received in the executive office May 4, 1877.*

[No. 134.]

AN ACT to provide for the laying out and establishing of a State road in the county of Isle Royal.

SECTION 1. *The People of the State of Michigan enact*, That Stanley G. Wight and A. O. Kruger, of Isle Royal county, be and they are hereby appointed commissioners to lay out and establish a State road from Washington Harbor, at the most eligible point on section twenty-nine of township sixty-four north of range thirty-eight west, on the most direct and feasible route to the harbor of McCargo's Cove, at the most eligible point on section twenty-six of township sixty-six, north of range thirty-five west, in said county of Isle Royal, and said commissioners shall cause the minutes of the survey of said road as laid out by them, to be filed for record in the office of county clerk of said county on or before the first day of December, eighteen hundred and seventy-seven.

Commissioners to lay out road

SEC. 2. For the purpose of constructing and improving the road contemplated and described in the foregoing section, there is hereby appropriated all the unsold State swamp lands in the county of Isle Royal: *Provided*, That the amount hereby appropriated shall not exceed four thousand acres.

Swamp lands appropriated.

SEC. 3. The right of way for said road through any lands belonging to the State is hereby granted and confirmed to the said county of Isle Royal.

Right of way granted.

SEC. 4. It shall be the duty of said special commissioners before entering upon the duties of their office to take and subscribe an oath to faithfully perform the duties herein assigned to them, and shall file said oath in the office of the county clerk of said county, and each of said commissioners shall execute and deliver to the county treasurer of said county a bond in the penal sum of five thousand dollars, with two good and sufficient sureties, to be approved by said county treasurer, conditioned for the faithful performance of their duties under this act, and in case of any default in the condition of said bonds, or either of them, it shall be the duty of the county treasurer to prosecute the same in the name of said county in any court of competent jurisdiction.

Commissioners to take oath and give bonds, etc.

* Became a law under section 14 of Article IV. of the Constitution, without the approval of the Governor.

Compensation of
commissioners.

SEC. 5. The said commissioners shall be entitled to receive as compensation for their services under this act, a sum not exceeding two dollars and a half for each day of actual service, and their accounts for the same, verified by their oaths, shall be audited by the board of supervisors of said county, and said accounts and the expense of surveying said road but shall be paid by said county.

How paid.

Vacancy in com-
mission, etc.

SEC. 6. In case a vacancy occurs from any cause in the commissioners mentioned in section one of this act, the Governor of this State shall fill the same by appointment, and he shall have power to remove, upon cause shown, one or both of said commissioners, and to appoint new commissioners in his or their stead.

SEC. 7. This act shall take immediate effect.

Approved May 16, 1877.

[No. 135.]

AN ACT making an appropriation for improvement of the grounds surrounding the new State Capitol, and furnishing the Legislative halls, the State Library and the Supreme Court room therein.

Amount appro-
priated.

Purposes of
appropriation.

SECTION 1. *The People of the State of Michigan enact*, That the sum of forty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the State building fund in the State Treasury, for the following purposes, viz.: for furnishing the Senate chamber, Representative hall and Supreme Court room in the new capitol, with the necessary rostrums, desks and seats; for constructing two intermediate galleries in the State library, and furnishing the same with the proper cases for books, maps, and other articles; for purchasing and putting in grates and mantels where the same are required by the plans for said building; for laying out, grading and otherwise improving the grounds surrounding said capitol; for constructing cisterns with the necessary connections, with the building and drainage; and for stone walks from the several entrances to the grounds to the building, and in front thereof.

Work done un-
der direction of
Board of State
Building Com-
missioners.

SEC. 2. The several parts of the work provided for in section one of this act, shall be done under the direction of the board of State building commissioners, who shall advertise for proposals for doing the same, in the manner provided by act number sixty-seven, of the laws of eighteen hundred and seventy-one, entitled, "An act to provide for the erection of a new State capitol, and a building for the temporary use of the State offices," approved March thirty-one, in the year of our Lord one thousand eight hundred and seventy-one, and shall contract for said work in the manner provided in said act.

Apportioned by
Auditor General,
etc.

SEC. 3. The amount appropriated by section one of this act, shall be apportioned by the Auditor General in the State tax, one-half of the same in the tax for the year eighteen hundred and seventy-

seven, and one-half in the tax for the year eighteen hundred and seventy-eight, and when collected shall be placed to the credit of the State building fund: *Provided*, That if any portion of the amount appropriated as aforesaid shall be required by the board of the State building commissioners for the purposes for which the same is appropriated, before the same shall be collected and placed to the credit of the State building fund, the Auditor General is hereby authorized to advance the amount so required from the general fund, the amount so advanced to be returned to the general fund when the same shall have been collected.

SEC. 4. This act shall take immediate effect.

Approved May 16, 1877.

[No. 136.]

AN ACT making appropriation for the Board of Fish Commissioners for the year eighteen hundred and seventy-seven, and the year eighteen hundred and seventy-eight.

SECTION 1. *The People of the State of Michigan enact*, That the sum of seven thousand dollars is hereby appropriated for the year eighteen hundred and seventy-seven, commencing July first, eighteen hundred and seventy-seven, and ending June thirty, eighteen hundred and seventy-eight; and the sum of seven thousand dollars for the year eighteen hundred and seventy-eight, commencing July first, eighteen hundred and seventy-eight, and ending June thirty, eighteen hundred and seventy-nine, for the necessary expense incurred by the Board of Fish Commissioners, which the State Treasurer shall pay to said board on the warrant of the Auditor General, from time to time, as their vouchers for such expenses shall be exhibited and approved: *Provided*, That not more than two hundred dollars per annum be applied for the use of water in the city of Detroit.

SEC. 2. The sum of seven thousand dollars the Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and seventy-seven, and the further sum of seven thousand dollars he shall add to and incorporate with the State tax for the year eighteen hundred and seventy-eight, which sums when collected shall be paid into the treasury to reimburse the same for the amounts to be drawn as provided in section one of this act.

Approved May 16, 1877.

[No. 137.]

AN ACT to repeal section three of an act entitled "An act to organize the county of Roscommon," being act number forty-one of the session laws of eighteen hundred and seventy-five.

SECTION 1. *The People of the State of Michigan enact*, That section three of an act entitled "An act to organize the county of

Roscommon," being act number forty-one of the session laws of eighteen hundred and seventy-five, be and the same is hereby repealed.

SEC. 2. This act shall take immediate effect.

Approved May 16, 1877.

[No. 138.]

AN ACT to amend section four thousand four hundred and seven of the compiled laws of eighteen hundred and seventy-one, relative to the inventory and collection of the effects of deceased persons, as amended by act number two hundred and three of the session laws of eighteen hundred and seventy-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four thousand four hundred and seven of the compiled laws of eighteen hundred and seventy-one, relative to the inventory and collection of the effects of deceased persons, as amended by act number two hundred and three of the session laws of eighteen hundred and seventy-five, be and the same is hereby amended so as to read as follows:

Time executor or
administrator
shall be entitled
to possession of
personal estate.

Time real estate
subject to sale
for debts.

Authority of
circuit court to
restrain waste.

Order to show
cause.

Service of order.

Court to hear
proofs, etc.

(4407.) SEC. 7. The executor or administrator shall be entitled to the possession of the personal estate of the deceased until assignment or distribution of the same to the heirs, legatees, or other persons entitled thereto, by the order of the probate court, or until the estate is finally settled. The real estate of the deceased shall remain subject to sale for the payment of debts under license from the probate court for the term of six years from and after the death of the deceased, unless the debts are all sooner paid; and the circuit court in chancery shall have authority upon the application of the executor or administrator, or a majority in amount of the creditors holding proved debts, to grant an order restraining the commission of waste upon such real estate during the settlement of the estate. Such application shall be in the nature of a petition, which shall be duly verified and shall allege the facts upon which the prayer for such order is based. If the judge of the circuit court in chancery shall consider a proper case to have been made by such petition he shall issue an order to the person or persons sought to be restrained to show cause at a time to be therein stated why the order asked for should not be granted, which order to show cause shall be personally served at least ten days before the date fixed therein. If the party named in such order cannot be found within the State, service thereof may be made on the persons engaged in the commission of the alleged waste, and at the time fixed in said order to show cause, or at such other time to which the proceedings may be adjourned, the court shall hear the proofs and allegations of the parties as near as may be, as provided for in chapter one hundred and seventy-six of the compiled laws of eighteen hundred and seventy-one, and shall thereupon make such order in the premises as

may be proper and just, and any order so made shall be served in the same manner as the order to show cause. In case of any alleged violation of such order, proceedings may be had and with like effect as provided in chapter one hundred and ninety-seven of the compiled laws of eighteen hundred and seventy-one. Appeals Appeals from orders. may be taken as in other chancery causes from such orders, and said court may at any time on a like application and notice, extend, modify or vacate any such order.

Approved May 16, 1877.

[No. 139.]

AN ACT making appropriations for the maintenance of patients at the Michigan Asylum for the Insane, and for certain repairs, renewals, and additions.

SECTION 1. *The People of the State of Michigan enact, That* General appropriation. the sum of seventeen thousand and five hundred dollars be and is hereby appropriated out of the State Treasury to the Michigan Asylum for the Insane, for the maintenance of patients for the fiscal year eighteen hundred and seventy-eight. Also, the further Special appropriations. sums of one hundred and twenty dollars for the purpose of constructing an iron railing; for a new washing mill, three hundred dollars; for woven wire mattresses for male department, two thousand and five hundred dollars; for extending stone bridge across highway, three hundred and fifty dollars; for cementing the basement of the center building of the female department, seven hundred and thirty dollars; for finishing rear basement south female department, one hundred and seventy-five dollars; for deficiency in the sum appropriated for the connecting building between center building and kitchen, two hundred and eighty-nine dollars; for deficiency in sum appropriated for re-building the boiler and laundry house, for a wagon porch, for arching the pipe ducts, and for constructing a deep drain, three thousand and nine hundred dollars; for deficiency in the sum appropriated for additional laundry apparatus, three hundred and eight dollars; for addition to the sum appropriated for iron girders, brick arches, and tiling the floor of the kitchen of female department, two hundred dollars; for the erection of an ice house, five hundred dollars; for excavating in garden, and the construction of a brick cellar, six hundred dollars; for six ward tables, three hundred and sixty dollars; for the purpose of constructing a sewer, the sum of two thousand and five hundred dollars.

SEC. 2. That there be and is hereby appropriated out of the State Treasury, to the Michigan Asylum for the Insane, the sum of two thousand dollars for the fiscal year eighteen hundred and seventy-eight, to be used as a repair fund. Appropriation for repair fund for 1878.

SEC. 3. That the trustees of the Michigan Asylum for the Insane are hereby authorized to draw from the general fund of the State

Trustees authorized to draw from general fund for current expenses in 1878.

Not to exceed one-fourth the amount appropriated for preceding year.

How money drawn from State treasury.

Auditor General to incorporate in State tax, etc.

Treasury, in the months of January, February, and March, in the year eighteen hundred and seventy-nine, such amount of money as shall be made to appear to the Auditor General to be necessary to meet the current expenses of the Michigan Asylum for the Insane; which amount shall not exceed one-fourth of the amount appropriated for current expenses for this institution for the preceding year. Said amount, when so drawn, shall be deducted from the appropriation for the year eighteen hundred and seventy-nine.

SEC. 4. That the moneys appropriated hereby may be drawn from the State Treasury upon the warrant of the Auditor General, in such sums and at such times as shall be made to appear to him necessary; the several sums shall be expended only for the purpose specified in this act, and their receipts and disbursements shall be accounted for by duplicate vouchers and monthly account current, as provided for by act number one hundred and forty-eight of the laws of eighteen hundred and seventy-three.

SEC. 5. That the Auditor General is hereby authorized to incorporate the sum of twelve thousand eight hundred and thirty-two dollars in the State tax for the year eighteen hundred and seventy-seven; also, the sum of nineteen thousand and five hundred dollars for the year eighteen hundred and seventy-eight, and when collected, place the several amounts to the credit of the general fund.

SEC. 6. This act shall take immediate effect.

Approved May 16, 1877.

[No. 140.]

AN ACT making an appropriation for the erection of an addition to the Normal School Building.

Appropriation for addition to building, etc.

SECTION 1. *The People of the State of Michigan enact, That* there shall be and is hereby appropriated out of the State Treasury the sum of thirty thousand dollars, for the year one thousand eight hundred and seventy-seven, for the purpose of erecting an addition to the State Normal School building, to be used for recitation rooms, lecture rooms, library, cabinets, and other school purposes, and for the purpose of providing all heating apparatus, furniture and plumbing, necessary for the same, and also for the purpose of making all necessary repairs to the present buildings of said Normal School; which said sum shall be expended under the direction of the State Board of Education for the purposes aforesaid, and shall be drawn from the treasury on the presentation of the proper certificates of the said Board of Education to the Auditor General, and on his warrant to the State Treasurer.

When to be assessed, etc.

SEC. 2. There shall be assessed upon the taxable property of the State, in the year one thousand eight hundred and seventy-seven, the sum of thirty thousand dollars, assessed and levied in like manner as other State taxes are by law levied, assessed, and paid; which tax, when collected, shall be credited up to the general fund

to reimburse to the same the sum to be drawn therefrom, as provided in section one of this act.

SEC. 3. This act shall take immediate effect.

Approved May 16, 1877.

[No. 141.]

AN ACT to provide for the enforcement of the individual liability of stockholders of corporations.

SECTION 1. *The People of the State of Michigan enact*, That whenever, by the constitution or laws of this State, the stockholders of any corporation are individually liable for any debts of such corporation, the remedy for the enforcement of such liability shall be as hereinafter prescribed, and not otherwise: *Provided*, That this act shall not apply to cases where the suit is for labor, and the action is brought by the person who performed the labor.

Remedy for enforcement of individual liability of stockholders.

Proviso.

SEC. 2. No proceeding shall be taken to enforce such liability until after a judgment has been recovered against the corporation on account of such indebtedness, and an execution issued upon such judgment to the county in which its principal office is situated or its business carried on has been returned unsatisfied, in whole or in part.

Not liable until judgment obtained against corporation, etc.

SEC. 3. Whenever judgment has been recovered against any corporation for an indebtedness for which the stockholders of such corporation are by law liable, and an execution has been issued thereon as above provided, and returned unsatisfied, the court, upon application of the plaintiff, shall enter an order in such suit requiring the secretary, or other proper officer of such corporation, within a time designated in such order, to file in said cause a statement, under oath, of the names and residences of all persons who appear by the books of such corporation, or that such officer has reason to believe were stockholders therein at the time the debt for which such judgment was recovered, accrued, and the amount of stock held by each of said persons, and upon service upon such officer of a duly certified copy of such order, it shall be his duty to comply therewith.

When court may enter order for names of persons on books of corporation, etc.

SEC. 4. The statement mentioned in the last preceding section having been filed, plaintiff may make and file in the case his petition in writing, setting forth,—

What petition of plaintiff to set forth.

First, That he has obtained a judgment against the corporation, and the amount thereof;

Second, That execution has been issued thereon and returned in whole or in part unsatisfied, as the same may be, and the sum remaining unpaid thereon;

Third, That the several persons named in such statement of the officer of the corporation were, at the date the debt accrued on which the judgment was rendered, stockholders in such corporation, and the amount of stock held by each;

Order of citation issued by clerk.	<p><i>Fourth</i>, What was the consideration received by the corporation for the debt on which such judgment was rendered; and praying that judgment may be awarded against said several stockholders in favor of the plaintiff for the sum so as aforesaid averred to be due from said corporation, and that a citation may issue from said court, under the seal thereof, to the said several stockholders, requiring them to appear in said cause on a certain day to be therein named and answer why judgment should not be entered against them as therein prayed. On the filing of such petition, an order for citation to issue shall be made as of course, and it shall be the duty of the clerk of the court immediately to issue the same, which shall be addressed to the several persons named in the petition as stockholders, and may be served by any person in any part of this State. The return day of such citation shall not be less than fifteen nor more than thirty days from the date of its issue. Jurisdiction over any of the persons named in such citation shall be secured by a personal service of the same within this State.</p>
Return day. Jurisdiction by personal service.	<p>SEC. 5. On the return day named in such citation, or at such time thereafter as the court may allow for that purpose, each of the persons so cited and served shall make separate and several answer in writing, signed by him, to such petition; which answer, if the liability be denied, or facts shall be relied upon in defense against such charge of liability, shall contain a statement of such facts, or the specific grounds of defense, and shall be verified by the oath of the respondent.</p>
Issue, how tried.	<p>SEC. 6. The issue thus made by the petition and answer, whether of fact or law, shall be tried in the same manner as like issues of fact or law.</p>
Return on execution of amount unpaid prima facie evidence, etc.	<p>SEC. 7. On the trial of any issue of fact formed as aforesaid, the judgment against the corporation and the amount thereon remaining unpaid, as shown by the return of the execution thereon, shall be <i>prima facie</i> evidence of the sum due to the plaintiff, but not that the debt on which said judgment was rendered is one for which respondents are personally liable.</p>
Each issue treated as original suit as to costs, etc.	<p>SEC. 8. Each of the issues so formed shall be deemed and treated as an original suit or cause in respect to the payment of the county jury and stenographer's fees, and the final taxation of costs. The right of review by the Supreme Court, and the method of procedure to secure it, shall be in all respects the same as in a common law trial.</p>
Review by Supreme Court.	<p>SEC. 9. If any such respondent shall answer admitting the facts set forth in such petition, or if default in answering shall be made by any of them, judgment shall at once be rendered against such respondent, severally, for the amount remaining unpaid of the judgment against said corporation, upon proof being made that the debt is one for which such respondent, as stockholder, is personally liable.</p>
Judgment to be rendered against respondent when he admits facts.	<p>SEC. 10. If any such issue of law or of fact shall be determined adversely to the respondent, judgment shall thereupon be awarded against him for the full amount remaining unpaid of the judgment</p>
Judgment when issue determined against respondent.	

against such corporation, if it shall have been determined that such judgment was for a debt for which such respondent is personally liable as a stockholder in said corporation, or upon proof of that fact.

SEC. 11. After the several issues so formed shall have been determined and judgment awarded against the several persons named in such petition, and personally served with citation to appear as hereinbefore provided, who have been adjudged liable, the court shall make an order in the cause apportioning between them the sum for which they have thus been severally adjudged liable, *pro rata*, according to the stock held by each. If any of the respondents shall refuse or neglect to pay the amount apportioned against him, for the period of fifteen days thereafter, an execution shall be issued against his goods and chattels for the collection thereof.

Court to make order apportioning sum adjudged *pro rata*.

Execution.

SEC. 12. On the return of such execution unsatisfied in whole or in part, or if for any cause there shall be a failure to collect of any of the respondents the sum so as aforesaid apportioned against him, the court shall have power, and it shall be its duty on application by or on behalf of the plaintiff, and the fact being made to appear, to reëpportion the sum so remaining uncollected, on the basis in section eleven of this act provided, among the remainder of said respondents so adjudged liable, and an execution shall issue for the collection thereof in like manner as provided in said last named section.

Duty of court on return of execution unsatisfied.

SEC. 13. Any stockholder who shall be compelled to pay more than his *pro rata* share of the debts of the corporation shall be entitled to enforce contribution from such other of the stockholders as are also liable for such debts and have not contributed their due proportion in payment thereof.

When stockholder compelled to pay more than *pro rata* share.

SEC. 14. All acts and parts of acts inconsistent with this act, or giving any other or different remedy, or form of remedy, are hereby repealed.

Acts repealed.

SEC. 15. This act shall take immediate effect.

Approved May 16, 1877.

[No. 142.]

AN ACT to amend section one of act number eighty-two of the session laws of eighteen hundred and seventy-three, entitled "An act to provide for the incorporation of mutual fire insurance companies, and defining their powers and duties, and to repeal chapter ninety-seven of the compiled laws of eighteen hundred and seventy-one, and also act number ninety-four of the session laws of eighteen hundred and seventy-one, approved April twelfth, eighteen hundred and seventy-one," approved April fifteenth, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact, That* section one of act number eighty-two of the session laws of eighteen hundred and seventy-three, entitled "An act to provide for the

Section amended.

incorporation of mutual fire insurance companies, and defining their powers and duties, and to repeal chapter ninety-seven of the compiled laws of eighteen hundred and seventy-one, and also act number ninety-four of the session laws of eighteen hundred and seventy-one, approved April twelfth, eighteen hundred and seventy-one," be amended so as to read as follows :

Number of incorporators required.

Property to be insured, what to include.

What risks deemed detached in cities and villages.

Penalty for taking risks that are prohibited.

Proviso as to certain counties.

Further proviso as to Ionia and Montcalm counties.

SEC. 1. Any number of persons not less than seven may associate together and form an incorporated company for the purpose of mutual insurance of the property of its members against loss by fire, or damage by lightning; which property to be insured shall embrace dwelling houses, barns, accompanying outbuildings and their contents, farm implements, hay, grain, wool, and other products, live stock, wagons, carriages, harness, household goods, wearing apparel, provisions, musical instruments, and libraries, being upon farms as farm property, or in dwellings, or in accompanying outbuildings that constitute detached risks in villages and cities, [and] belonging to the members. All risks in cities and villages which shall be one hundred feet or more from any contiguous risk in which a fire is kept shall be deemed detached within the meaning of this act, and any officer, agent, employé, or other person or persons who shall hereafter solicit risks, or issue policies, or renewals on risks prohibited or excluded by the provisions of this section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars nor less than one hundred dollars, or by imprisonment in the county jail not less than three months nor more than one year, or both such fine and imprisonment, in the discretion of the court: *Provided, however,* That the provisions of this act relating to the taking of risks upon detached risks in cities will apply only to the counties of Ingham, Ionia, Montcalm, Sanilac, and Huron: *Provided further,* That risks heretofore taken by any such company in the counties of Ionia and Montcalm previous to the passage of this act, on detached risks in cities and villages, shall be in full and lawful force and effect on risks on dwellings and barns and contents, where the same are fifty feet detached, so long as the persons owning such property are members of any such company.

SEC. 2. This act shall take immediate effect.

Approved May 17, 1877.

[No. 143.]

AN ACT to provide for the protection and preservation of the abstracts of the titles to real estate in the county of Kent, and to regulate the fees to be charged by the register of deeds for transcripts therefrom.

Abstracts of title purchased by board of supervisors to remain

SECTION 1. *The People of the State of Michigan enact,* That all abstracts of title to real estate in said county of Kent which have been heretofore purchased, for the use of the public by the

Board of Supervisors thereof, including the "Scranton Abstract" (so called), and all such abstracts as have otherwise been or hereafter may be provided for such use, shall be and remain in the office of the register of deeds for said county, and the same shall be taken and deemed to be public records of said county, and the register of deeds of said county shall use, preserve and protect the same, and deliver the same to his successor in office, in all respects the same as by law he is required to do with the other public records in his office.

in office of register of deeds.

Register to use and deliver to his successor abstracts same as other records.

SEC. 2. It shall be the duty of the register of deeds of said county to enter in proper manner, and substantially as they are now kept, on said abstract books, all conveyances, encumbrances, liens, and levies, as well as all other papers received by him for record upon the receipt of the same.

Register to enter conveyances, etc., on abstract books.

SEC. 3. It shall be the duty of the register of deeds of said county, upon the payment or tender to him of his fees as herein provided, to make upon request a true and correct transcript of said abstracts so far as the same shall in any manner affect the title to any real estate, the description of which shall be given him by the person so making such request; and the said register of deeds shall be entitled to demand and receive for such transcript the following fees, to wit: One dollar for the first entry of description or conveyance, and fifteen cents for each additional entry in anywise pertaining to such description or the title thereof.

Register to make transcripts on tender of fees.

Fees.

SEC. 4. The Board of Supervisors of the county of Kent are hereby authorized, upon a vote of a majority of all the members elect of said Board, to appropriate, from time to time, out of the treasury of said county, such sums of money as shall be necessary for the purpose of copying any of said abstracts that shall be necessary to be copied for the preservation thereof.

Board of supervisors authorized to have copies made of abstracts.

SEC. 5. It shall be the duty of the treasurer of said county of Kent to purchase from time to time, with the money of said county, upon the written order of the register of deeds of said county, which order shall be first approved by the clerk of said county, such books as shall be necessary for the purpose of continuing or copying said abstracts.

Treasurer to purchase books to continue abstracts.

SEC. 6. Any person who shall wilfully change, despoil, mutilate or otherwise injure the abstracts herein mentioned, and any person who shall remove from said register's office any book or books containing such abstracts, with intent to injure or convert the same to his own use, shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the State Prison for a period not exceeding ten years, or by fine not exceeding one thousand dollars, or both in the discretion of the court.

Penalty for removing or injuring abstracts.

SEC. 7. This act shall take immediate effect.

Approved May 17, 1877.

[No. 144.]

AN ACT to protect travel on the public highways.

When public highway on banks of lake, river, etc., become reduced in width.

Duty of commissioner when notified in writing.

When commissioner may erect fence, etc.

Proceedings for widening highway when building stands near lake, etc.

SECTION 1. *The People of the State of Michigan enact*, That when any public highway which runs or passes along the bank of any lake, river, or other water-course in any township in this State shall, by the falling or washing away of the bank, or any other cause, become reduced to a width [of] less than fifty feet, it shall be the duty of the commissioner of highways of such township, on being notified in writing by any person of adult age that any public highway in his township, not protected as hereinafter provided, has become less than fifty feet wide, such notice stating the place or places where such defect exists, to proceed within ten days and examine the same, and if he finds it to be less than fifty feet wide, he shall, within ten days thereafter, give notice in writing to the owner or occupant of the land over which said public highway passes, requiring said owner or occupant to remove within thirty days his or her fence back from the bank of such lake, river, or other water-course far enough to admit of the opening and working of a highway at least fifty feet wide, and if the owner or occupant of such land shall neglect to remove said fence as required by such notice, it shall be the duty of said commissioner of highways forthwith to remove such fence, doing the said owner or occupant no unnecessary damage in making such removal.

SEC. 2. When any such public highway is less than fifty feet wide and more than thirty-five feet wide, the commissioner of highways may, in his discretion, on being notified as heretofore provided, instead of widening said public highway, erect near the edge of the bank of such lake, river, or other water-course, and thereafter maintain in good order, a substantial railing or fence, which shall be at least three feet high, and sufficiently strong to prevent vehicles, carriages, and animals from falling over said bank.

SEC. 3. When any dwelling house or other building shall stand so near such lake, river, or other water-course that there shall not be room for a road at least thirty-five feet wide, then such commissioner of highways shall, within ten days after being notified of such fact, as provided in section one of this act, give thirty days' notice in writing to the owner or owners, occupant or occupants of the land to be taken, and to the owner or occupant of such house or other buildings [building], of his intention to open a public highway in the rear of such house or other building, and if such house or other building shall, within the said thirty days, be moved back far enough to admit of a road being opened and worked at least thirty-five feet wide in front thereof, then said commissioner of highways shall widen such public highway in front of said house or other building; but if said house or other building shall not be so removed, he shall then proceed without further delay to lay out a public highway in the rear of said house or other building, not less than fifty feet wide.

SEC. 4. Whenever any commissioner of highways, acting under the provisions of this act, shall remove or cause to be removed any fence, and shall take any land to widen a public highway, or shall lay out a public highway in the rear of any house or other building, he shall award such damages to the owner of the property taken, and for removing such fence when done by the owner, as to him shall seem just and reasonable, and shall tender to the person entitled thereto an order on the treasurer of his township for the amount of damages awarded to said person, but when no owner, occupant, or agent of the property taken resides or can be found in his township, then said commissioner of highways shall deposit such order with the clerk of his township, who shall deliver the same to the person entitled thereto when applied for: *Provided*, That any person dissatisfied with the amount of damages awarded by the commissioner of highways in accordance with this act may, within ten days after such damages have been determined, appeal in writing to the township board of said township, whose duty it shall be, within thirty days thereafter, to hear such appeal and determine as to said damages, and if said township board shall increase the damages awarded by said commissioner of highway [highways], then the expense of the meeting of said township board shall be a charge against said township, but if said damages be not increased, then the expense of the meeting of said township board shall be paid by the appellant: *And provided further*, That no claim for damages or appeal shall be allowed to cause delay in the removal of any fence and the widening of any public highway as provided in section one of this act, or of widening in front of or laying out in the rear of any house or other building a public highway, as provided in section three of this act.

Damages
awarded by
commissioner.

Proviso—appeal.

Appeal, etc., not
to delay widen-
ing of highway.

SEC. 5. It shall be the duty of the commissioner of highways in each township to see that all dangerous places on the public highways in his township be so guarded by a sufficient railing, or in some other manner, as to make travel upon the same convenient and safe at all times.

Duty of commis-
sioner as to dan-
gerous places on
highways.

SEC. 6. All proper expenses incurred by any commissioner of highways in complying with the requirements of this act shall be by him reported in writing to the supervisor of his township, on or before the first day of October in each year, and said supervisor shall levy the same upon the taxable property of his township in the same manner as other township taxes: *Provided*, That the amount which may be so expended by a commissioner of highways in any one year shall not exceed one-half of one per cent on the assessed valuation of the property in said township, as appears by the last assessment roll.

Expenses incur-
red by commis-
sioner reported
to supervisor.

Proviso—limit
of expense.

SEC. 7. Every commissioner of highways neglecting to perform any of the duties required of him by this act, shall be punished by fine not less than ten nor more than one hundred dollars, and any citizen of this State may prosecute said commissioner of highways in the name of the township where the defective road exists.

Penalty for neg-
lect by commis-
sioner.

SEC. 8. It shall be the duty of the commissioner of highways of

Duty of commissioner as to plank, gravel or toll roads.

Notice to repair.

Penalty when company fails to comply with requirements of notice.

any township to see that all plank or gravel road companies, or companies owning or controlling any kind of toll road, maintain their roads in as safe condition for public travel as he is by this act required to keep the public highways of his township. And when any such plank, gravel, or toll road shall become defective, he shall serve a written notice upon the president, secretary, gate-keeper, or other officer of the company owning or controlling the same, describing the locality where such defect exists, and requiring such company to repair such defect within thirty days from the receipt of such notice. And every such company failing to comply with the requirements of such notice shall, for every such offense, be subject to a fine of fifty dollars, to be sued for and recovered by the supervisor of the township in which such defect exists.

Approved May 17, 1877.

[No. 145.]

AN ACT to amend section eleven of an act entitled "An act to establish a State Public School for dependent and neglected children," approved April seventeenth, eighteen hundred and seventy-one, and to add one new section to said act, as amended by act number one hundred and forty-four of eighteen hundred and seventy-three, and act number fifty-eight of eighteen hundred and seventy-five, to be known as section twenty-three.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section eleven of an act entitled "An act to establish a State Public School for dependent and neglected children," approved April seventeen, eighteen hundred and seventy-one, as amended by act number one hundred and forty-four of eighteen hundred and seventy-three, and act number fifty-eight of eighteen hundred and seventy-five, be amended so as to read as follows:

Reception and continuance of pupils, and authority of board in relation thereto.

SEC. 11. There shall be received as pupils in said school those children who are declared dependent on the public for support, as provided in this act, who are over three and under fourteen years of age; and who are in suitable condition of body and mind to receive instruction. That said board is authorized in admitting children to give preference to those under twelve years of age. That those admitted, unless sent from the institution as provided by this act, shall be retained until they are sixteen years of age, and may be retained after that age, in the option of said board, until a home is procured for them. That said board is authorized to return to the county sending it any child, when it shall become sixteen years of age, and no home has been procured, or whenever after its admission it shall be ascertained to the satisfaction of said board that the child was of unsound mind, or unsound body, at the time of its admission, or if for any other reason said board shall consider said

Return of children to county.

child an improper inmate of said school; that, in the case of the return of any child as herein provided to the county sending it, the guardianship of this board shall cease, and the child shall again become a charge on the county sending it. The said board of control shall report in writing, to the superintendents of the county poor of the proper county, the reason for returning the child. Report of reason for return.

SEC. 2. That there shall be added to said act one new section to stand as section twenty-three of said act, to read as follows: Section added.

SEC. 23. That whenever on [the] examination provided for in this act the judge of probate shall determine that the child is dependent on the public for support, he shall cause it to be examined by the county physician, if there be one, and if not, then by a respectable practicing physician, and shall in no case enter the order in his journal, showing the child is admissible to this school, unless the physician making such examination shall certify in writing, under oath, filed in said court, that the child examined by him is, in his opinion, of sound mind, and has no chronic or contagious disease, and in his opinion has not been exposed to any contagious disease within fifteen days previous to such examination before the judge of probate. That a copy of such certificate shall be attached to the other papers provided by this act, to accompany each child to this school. Examination of child by physician.

SEC. 3. This act shall take immediate effect.

Approved May 17, 1877.

[No. 146.]

AN ACT to define and limit the term of office of officers and commissioners, appointed by the Governor, in cases not otherwise defined and limited.

SECTION 1. *The People of the State of Michigan enact*, That the term of office of officers and commissioners appointed by the Governor, in cases not otherwise provided, or where no term is specified in the act creating such office or commission, shall expire two years from the first day of January of the year when the appointment is made, unless the appointment shall be by the commission limited to a shorter term, in which case it shall cease as limited, or unless the appointment be to fill a vacancy, in which case it shall continue for the remainder of the term: *Provided*, That in cases where by law the office does not expire with the term, such officers shall hold the office and continue to act until their successors are appointed and have qualified. Terms of office of officers, etc., appointed by Governor. Proviso.

Approved May 18, 1877.

[No. 147.]

AN ACT to revise and amend sections six, eleven, thirteen, nineteen and twenty-one of an act entitled "An act to provide for a municipal court in the city of Grand Rapids, to be called 'The Superior Court of Grand Rapids,'" being act number forty-nine of the session laws of eighteen hundred and seventy-five, approved March twenty-fourth, eighteen hundred and seventy-five, and to add six new sections to the act, to stand as sections twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight and twenty-nine.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections six, eleven, thirteen, nineteen and twenty-one of an act entitled "An act to provide for a municipal court in the city of Grand Rapids to be called 'The Superior Court of Grand Rapids,'" being act number forty-nine of the session laws of eighteen hundred and seventy-five, approved March twenty-fourth, eighteen hundred and seventy-five, be and the same are hereby amended to read as follows :

Salary of judge
and how payable.

SEC. 6. The judge of said superior court shall receive from the treasury of the State of Michigan the same annual salary as may be payable to circuit judges, and payable quarterly; he shall also receive from the treasury of the city of Grand Rapids such additional salary as shall be sufficient, with the sum so received from the State, to make the salary of said judge two thousand five hundred dollars, to be paid monthly by the city treasurer upon a salary voucher made therefor by the said judge and to such treasurer delivered.

Election of clerk.

SEC. 7. On the first Monday of April, in the year one thousand eight hundred and seventy-eight the qualified voters of said city shall elect a clerk of said Superior Court, whose title of office shall be "Clerk of the Superior Court of Grand Rapids," and who shall hold his office two years and until his successor shall be elected and qualified. Notice of such election shall be given in the same manner prescribed by law in case of the election of city officers for said city. The clerk of the county of Kent shall be *ex officio* clerk of said court until a clerk of said court shall be elected and qualified, as herein prescribed.

Clerk of county
ex officio clerk
of court until
election.

Court fees.

SEC. 11. Before any suit at law shall be commenced in said court there shall be paid to the clerk of said court, by the party commencing such suit, the sum of four dollars, and before any judgment or final decree shall be entered in any such suit, there shall be paid by the prevailing party to said clerk the sum of four dollars. The moneys so paid shall be for the use of said city, and shall be paid weekly by the clerk to the city treasurer, and placed to the credit of the general fund; but upon a re-trial of any cause by a jury, an additional fee of three dollars shall be paid by the party moving for such re-trial; and the sum so as aforesaid paid shall be held to be in full of all clerk's entry and jury fees in any such suit, from the commencement thereof to and including the issuing of

To be for use of
city and paid
over by clerk.
Additional fees
upon re-trial.

execution or other final process. The sum or sums so paid shall be ^{Fees taxed as costs.} taxed as costs of suit in favor of the party paying the same, if he be the prevailing party in such suit, in addition to any other costs to which he may be entitled by law: *Provided*, That if a jury shall ^{Provide.} not be demanded, the sum so to be paid before entry of judgment shall be two dollars.

SEC. 13. The said superior court shall have original jurisdiction ^{Jurisdiction of court.} [concurrent with the circuit court for the county of Kent] in the following cases:

First, In all civil actions of a transitory nature, when the debt or damages claimed are over one hundred dollars, (a) in which the defendants, or one of them, if there be more than one, shall have been served with a copy of the declaration, or with process, within the city of Grand Rapids; or (b) in which the plaintiff shall reside in the city of Grand Rapids, and the defendants, or one of them, if there be more than one defendant, shall be served with a copy of the declaration or process in Kent county;

Second, Of all actions of trespass upon lands situate in the city of Grand Rapids;

Third, Of all actions of ejectment for land situate in the said city;

Fourth, Of suits begun by writ of attachment against non-residents, if the property attached is in the corporate limits of said city when the writ is sued out;

Fifth, Of all equity suits, (a) in which any complainant or defendant shall be a resident of the city of Grand Rapids; or (b) in which the subject matter of such suit is situate in said city;

Sixth, Of foreclosure suits upon land situate in said city;

Seventh, Exclusive jurisdiction of all appeals from judgments of justices of the peace of the said city, when the appellant and appellee, or one of them in such appeals, is a resident in the city aforesaid;

Eighth, And exclusive jurisdiction of all actions at law of a civil nature, which may be brought—1st. By or against the board of education of the said city; 2d. By or against the said city or any of its officers;

Ninth, And exclusive appellate jurisdiction, where appeals may be made, of all cases originally commenced and prosecuted in the police court of Grand Rapids, where a final judgment shall be rendered by said police court in cases arising out of the breach of any provision of the charter or ordinances of said city; and exclusive original jurisdiction to issue writs of certiorari in such cases tried and determined in said police court, and determine the same, when it may be lawfully done;

Tenth, All the jurisdiction conferred upon a recorder's court of the said city in and by Titles VI. and VII. of the revised charter of the said city, and the acts amendatory thereto, is transferred to and vested in the said superior court;

Eleventh, Said Superior Court shall also have original and exclusive jurisdiction of all prosecutions and proceedings in behalf of

	<p>the people of this State, for all crimes, misdemeanors and offenses arising under the laws of this State and committed within the corporate limits of the city of Grand Rapids, except in cases exclusively cognizable by police justice or the justices of the peace of the said city, and shall have power to issue all lawful writs and process and to do all lawful acts which may be necessary and proper to carry into complete effect the powers and jurisdiction given by this act; and especially to issue all writs and process and to do all acts which the circuit courts of this State within their respective jurisdictions may in like cases issue and do by the laws of this State: <i>Provided</i>, That this act shall not in any way affect the jurisdiction of the circuit court for the county of Kent, over any case pending in said court when this act shall take effect, nor the validity of any recognizance heretofore made to said court. And the prosecuting attorney for the county of Kent shall appear, and act for the people of the State of Michigan in said Superior Court in all cases arising under the laws of this State.</p>
Proviso	
List of jurors.	<p>SEC. 19. The supervisor of each ward in said city of Grand Rapids shall, on or before the twenty-fifth day of May in each year, make a list of persons to serve as jurors in said Superior Court for the ensuing year; such list shall be selected from the persons assessed on the assessment roll of the ward for the same year; and in making such selection they shall take the names of such only as have the qualifications of electors of said city, and who are not exempt from serving on juries, who are in possession of their natural faculties, and not infirm or decrepid, of good character, of approved integrity, of sound judgment, and well-informed, and capable of understanding and speaking intelligibly the English language, and free from all legal exceptions, and who have not made, and in whose behalf there has not been made, to said supervisor any application to be selected and returned as jurors. Such list shall contain (not less than) one for every thirty electors of such ward, computing according to the last preceding poll-list. In making such selection, the supervisor shall avoid as far as practicable, selecting any of the persons who were actually drawn and who served as jurors during the preceding year. Duplicate lists of the persons so selected shall be made out and signed by the supervisor making such selection, and within two days thereafter, one each of said lists shall be filed with the clerk of said Superior Court, and the other shall be filed with the clerk of said city. On receiving such lists the clerk of said Superior Court shall write down the names contained therein on separate pieces of paper of the same size and appearance as nearly as may be, and shall fold up each of such pieces of paper so as to conceal the name thereon, and deposit the same in a box to be kept by him for that purpose, to be labelled "Jury box." The persons whose names shall be so returned shall serve as such jurors for one year and until other lists from the respective wards shall be filed. Upon receiving such new list, the clerk of said Superior Court shall destroy the ballots deposited in the jury box for the year preceding, and deposit the</p>
How selected.	
Qualifications.	
Number of names in list.	
One list to be filed with clerk of court and one with clerk of city.	
Names to be deposited in jury box.	

ballots containing the names entered on such new lists in the same manner as above required, at least five days before the holding of any regular term of said Superior Court, the clerk of said Superior Court shall draw from said jury box the names of twenty-four persons, and any additional number that may have been ordered by the court, to serve as jurors; at least five days before the drawing of such jurors, the said clerk shall give notice to the mayor and the two justices of the peace of said city, whose term of office will soonest expire, of the day and hour when such drawing will take place. At the time appointed, it shall be the duty of the mayor and the justices aforesaid to attend at said clerk's office, to witness such drawing; and if any two of said officers shall attend at time and place appointed, the clerk shall proceed in their presence to draw the jurors. If two of the officers so notified do not appear, the clerk shall adjourn the drawing of such jurors until the next day, and shall, by written notice require any two justices of the peace of said city to attend such drawing on the adjourn day. If at the adjourn day any two of the officers notified to attend the drawing of such jurors shall appear, but not otherwise, the clerk shall proceed, in public, and in the presence of the officers so appearing, to draw the jurors. The clerk shall conduct such drawing the same in all respects as is provided by section five thousand nine hundred and ninety of the compiled laws of eighteen hundred and seventy-one, for the drawing of petit jurors, except that the minute of the drawing shall be filed by him in his office. Should the court in any case order any talesmen to be summoned, they shall be selected by the clerk in open court, drawing from said jury box out of the names not before drawn, the number of names ordered by the court, and a record of such order and drawing shall be entered on the journal of said court, and the persons so drawn shall serve only in the case in which they were so ordered. The judge of said court may order a jury drawn from said box as above, upon application of either party interested in any suit [to] be tried in said court.

Drawing of jury.

Mayor and two justices to be notified.

To witness drawing.

Adjournment when officers do not appear.

Drawing on adjourn day.

Drawing, how conducted.

Talesmen.

Jury drawn by order of court.

SEC. 21. If either party to any cause now pending in the circuit court for the county of Kent, either at law or in chancery, and within the jurisdiction of said Superior Court, shall, after the taking effect of this act, or if the defendant in the case of a suit within such jurisdiction hereafter commenced, at the time of entering his appearance in said circuit court, shall file with the clerk or register of said court a petition for the removal of the cause into the said Superior Court for the city of Grand Rapids, and shall at the same time file with the clerk or register of said circuit court a bond to the opposite party, with sufficient surety, to be approved by the judge of said circuit court or a circuit court commissioner of said county of Kent, and in such sum as such judge or commissioner shall direct, conditioned for the entering in said Superior Court, on the first day of its next regular term, if that shall be at least forty days after the date of the filing of said bond, and if it shall not, then within forty days from the filing thereof, copies

Removal of causes from circuit to Superior Court.

of all papers filed and proceedings had in said cause in the said circuit court, and also for his there appearing and entering special bail in the cause if special bail was originally requisite therein; and upon the filing of said petition and bond, it shall thereupon be the duty of said circuit court for the county of Kent to proceed no further in the cause, and no order of said circuit court for the removal of said cause shall be requisite; and the filing of said petition and bond shall operate as a stay of all proceedings in said circuit court in said cause; and any bail that shall originally have been taken shall not be discharged; and the copies of said papers and proceeding being so entered and filed as aforesaid in such Superior Court, the cause shall then proceed in the same manner as if it had been originally brought in said court, and any attachment of the goods or estate of the defendants by the original process shall hold the goods or estate so attached to answer the final judgment, in the same manner as they would have been held to answer the final judgment had it been rendered by the court in which the suit was commenced. It shall be the duty of the clerk of said circuit court, within the time prescribed for filing said copies, to deliver to the person so seeking to remove said cause, upon being paid therefor five cents per folio for making and certifying such copy, and in case the clerk of said circuit court shall, upon demand and the payment or tender of his first [fees], refuse or neglect to deliver to such party certified copies of such record and proceedings, the Superior Court, on proof by affidavit that the said clerk has refused or neglected to deliver such copies thereof, on demand as aforesaid, shall direct and allow such record to be supplied by affidavit or otherwise as the circumstances of the case may require or allow, at any time within which the court shall direct; and thereupon such proceedings, trial, and judgment may be had in said Superior Court as if certified copies of such records and proceedings had been regularly before the said court: *Provided, however,* That no action at law pending in said circuit court when this act takes effect shall be thereafter removed under the provisions of this act during a final trial thereof.

Clerk of circuit court to furnish copies of papers.

Fees.

Record, how supplied in case of refusal of clerk.

Proviso—actions not to be removed during final trial.

Sections added.

SEC. 2. That said act be further amended by adding thereto six new sections to stand as sections twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, and twenty-nine, to read as follows:

Stenographer, appointment of.

Oath.

Term of office.

Proviso.

SEC. 24. That a stenographer for said Superior Court shall be appointed by the Governor, on the recommendation of the judge of said court. The person so appointed shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge. He shall be deemed an officer of the court, and shall hold the position during the pleasure of the Governor: *Provided,* The court shall have power to suspend him for incompetency or misconduct, and in such case of suspension he shall thereafter cease to hold the office of stenographer, unless by order of the court his suspension be rescinded.

Death or removal.

SEC. 25. In case of the death or removal or suspension of the stenographer, the Governor shall appoint a successor to the office,

but in case of sickness or temporary absence of the stenographer the judge may appoint some competent person to act in his absence.

SEC. 26. It shall be the duty of said stenographer to attend upon the court during each sitting of the court, during each term thereof, and to take full stenographic notes of all testimony given and proceedings had upon the trial of each issue of fact before the court or jury. Said stenographer shall receive such salary not to exceed eight hundred dollars per annum in monthly installments as may be fixed by the common council, to be paid from the general fund in the same manner as other demands against said city. Stenographer to attend court, etc.
Salary.

SEC. 27. Each and every issue of fact at law, or in chancery, tried before the court or jury shall be taxed three dollars, to be paid by the plaintiff at the commencement of the trial into the hands of the clerk, and by him paid into the city treasury as other fees mentioned in this act. Each issue taxed three dollars.

SEC. 28. It shall be the duty of the stenographer upon [the] order of the court to write out in legible English a full copy of the notes taken by him on the trial of any cause, without fee or charge, and file the same with the clerk of said court, for the use of said court and the parties to said cause. Said copy shall be made and filed within thirty days after filing of said request, and notice thereof to the stenographer; and when ordered by the court, such copy shall be made and filed within such time as the court shall order. Duty of stenographer to furnish copy of notes taken by him upon order of court.

SEC. 29. It shall be the duty of the stenographer to furnish without delay copies of the notes taken by him, written out in legible English to any party who may request the same, and he shall be entitled to demand and receive therefor not to exceed ten cents for each folio of one hundred words. Copies to be furnished on request of parties.
Fees.

SEC. 3. This act shall take immediate effect.

Approved May 19, 1877.

[No. 148.]

AN ACT making [an] appropriation for furnishing the new State Capitol.

SECTION 1. *The People of the State of Michigan enact,* That the sum of seventy-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the general fund in the State treasury, for the purpose of purchasing and placing in the new capitol the necessary furniture, gas fixtures, carpets, and other furnishing goods and fixtures required for suitably furnishing and lighting the several halls, offices, and apartments of the new capitol; the amount so appropriated to be expended under the direction of the Governor and Board of State Auditors. Appropriation.

SEC. 2. The Governor and Board of State Auditors shall procure proposals for furnishing the several articles provided for in section one of this act, by advertising for the same in at least three daily Proposals for furnishing.

newspapers published in the city of Detroit, one daily newspaper published in the city of Grand Rapids, and one newspaper published in the city of Lansing, for a term not less than thirty days, and in their advertisement shall designate a time when and a place where said proposals shall be opened. They shall reserve the right to reject any or all proposals submitted, and shall award the contracts to such persons and in such manner as they shall deem for the best interests [interest] of the State.

Bond to accom-
pany proposals.

SEC. 3. The Governor and Board of State Auditors shall require all persons submitting proposals, to furnish any articles or perform any work under the provisions of this act, to accompany their proposals with a preliminary bond in such amount as they may deem proper, conditioned that if any contract shall be awarded to him or them, he or they will, within a reasonable time to be designated by said board, enter into a contract with said board and furnish a bond to be approved by them conditioned for the faithful performance of the contract so awarded.

Payment on con-
tracts.

SEC. 4. Payments on account of contracts made pursuant to the provisions of this act shall be made in the manner following, to wit: An itemized estimate of all articles or labor furnished by contractors shall accompany each voucher for the same, and be submitted to the Governor and Board of State Auditors at any stated meeting of said board, and if it shall appear to said board that the estimate and voucher submitted are correct and in accordance with the contract, they shall audit and allow the same, reserving ten per centum of each estimate, to remain in the State treasury until the completion and acceptance of the entire contract.

Auditor General
to draw warrant.

SEC. 5. The Auditor General is hereby authorized to draw his warrant upon the State Treasurer for the amount of each account audited and allowed by the Governor and Board of State Auditors, in conformity with the provisions of this act, and the State Treasurer is hereby authorized and directed to pay the same out of the general fund in the State treasury.

Apportionment
of tax.

SEC. 6. In order to reimburse the State treasury for the moneys drawn therefrom under the provisions of this act, the Auditor General is hereby directed to apportion the amount hereby appropriated in the State tax for the years 1877 and 1878, one-half of said appropriation to be incorporated in the tax for each of said years.

SEC. 7. This act shall take immediate effect.

Approved May 21, 1877.

[No. 149.]

AN ACT to authorize registers of deeds to procure a seal of office.

SECTION 1. *The People of the State of Michigan enact, That* the registers of deeds in the several counties of this State are hereby authorized and directed to procure, at the expense of the county, an official seal, to be used by them in certifying to copies of the records and files in their offices, when required.

Approved May 21, 1877.

[No. 150.]

AN ACT to authorize the Judge of Probate of Jackson county to appoint a probate register, and prescribing his duties and compensation.

SECTION 1. *The People of the State of Michigan enact, That* the judge of probate of Jackson county shall have power to appoint a probate register for said county, who shall receive such annual salary as the board of supervisors shall prescribe, not exceeding six hundred dollars, payable monthly, from the county treasury. Said probate register shall have power to receive petitions, fix the time of hearing, administer oaths, and do all other acts required by the judge of probate, except judicial acts.

Probate register, appointment and salary.

What authorized to do.

Approved May 21, 1877.

[No. 151.]

AN ACT to amend section two of chapter two hundred and fifteen of the compiled laws of eighteen hundred and seventy-one, the same being compiler's section six thousand seven hundred and ninety, relative to the lien of mechanics and others.

SECTION 1. *The People of the State of Michigan enact, That* section two of chapter two hundred and fifteen of the compiled laws of eighteen hundred and seventy-one, being compiler's section six thousand seven hundred and ninety, be and the same is hereby amended so as to read as follows:

Section amended.

(6790.) SEC. 2. Such lien shall not attach unless the said contractor, or some one in his behalf shall make and file with the register of deeds of the county in which the lands shall lie, a certificate containing a copy of his contract, if the same is in his possession, and in writing, and if not, then a statement of the terms of said contract, as near as he can give the same, and a description of the piece or pieces, lot or lots of land on which said building, wharf or machinery shall be or is to be constructed or put up, and a statement of the amount due and to become due on said contract, together with all the credits the owner may be entitled to, as near as may be, which certificate shall be verified by the affidavit of the contractor, or some one in his behalf, which said certificate shall be recorded and indexed by the register of deeds in the books for mortgages, the same as if it were a mortgage given by the owner; and such record or certified copy thereof shall be notice and evidence to the same intent, extent, and for the same purpose as a mortgage so recorded; and the lien shall attach for the amount so claimed as due or to come due, with interest from the time of such record: *Provided*, That no lien created by virtue of this act shall be binding upon the owner, part owner, or lessee, until he shall have been notified of the filing of such lien with the register of deeds: *Provided further*, That if personal service of

Lien shall not attach unless contractor shall file certificate containing copy of contract.

Verification of certificate.

Record.

Effect of record or certified copy thereof.

Amount of lien, etc.

Proviso—notice of filing of lien.

Proviso—when
personal service
cannot be made.

such notice cannot be made upon such owner, part owner, or lessee, by reason of absence from the State, then, upon filing an affidavit of such absence with the said register, the person claiming such lien may cause a copy of such certificate, attested by said register of deeds, to be published for six successive weeks at least once in each week in a newspaper published in the county where the premises described in such certificate are situated, if there be one; and if no newspaper be published in such county, then such certificate shall be published in a paper published nearest thereto. Such certificate, with proof of the publication thereof for the time above specified when filed with said register of deeds, shall be treated in the same manner and have the same effect as if the same had been personally served at the time of the commencement of such publication: *And provided further*, That in no case under this act shall any party be held by such lien for a greater amount than may be due or to come due upon the contract at the time of receiving such notice, or at the time of the publication thereof.

Further proviso.

Approved May 21, 1877.

[No. 152.]

AN ACT to amend compiler's section one thousand seven hundred and forty-one of the compiled laws of eighteen hundred and seventy-one, approved March fifteen, eighteen hundred and seventy-one, entitled "An act to authorize boards of health to dispose of real estate."

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That compiler's section one thousand seven hundred and forty-one of the compiled laws of eighteen hundred and seventy-one be amended so that the same shall read as follows:

Sale of real estate
by board of
health.

SEC. 1741. That any board of health of this State may sell and convey any real estate, the fee of which is vested in them: *Provided*, That no real estate shall be sold by virtue of this act which is or has been in actual use as a cemetery or burial ground, unless the same shall be sold by an order of the circuit court upon the petition of the board of health of the township in which the burial ground is situated.

Approved May 21, 1877.

[No. 153.]

AN ACT making appropriations for the expenses of the State officers and State Government, and providing a tax to defray the same for the years eighteen hundred and seventy-seven and eighteen hundred and seventy-eight.

Amount appro-
priated.

SECTION 1. *The People of the State of Michigan enact*, That there shall be levied upon the aggregate of taxable real and per-

sonal estate of the State in the year eighteen hundred and seventy-seven the sum of four hundred and fifty thousand dollars, and in the year eighteen hundred and seventy-eight the sum of four hundred and fifty thousand dollars, and the same is hereby appropriated for the payment of the salaries of the State officers and other expenses of the State government, and the interest on the State debt not otherwise provided for.

SEC. 2. The Auditor General shall apportion each year the amounts herein directed to be raised among the several counties in this State, as provided by law for the apportionment of State taxes.

Apportionment
by Auditor
General.

Approved May 21, 1877.

[No. 154.]

AN ACT to amend act number one hundred and three of the laws of eighteen hundred and seventy-five, being "An act to amend section twenty-eight of an act entitled, 'An act to revise and consolidate the several acts relative to the support and maintenance of poor persons,' approved April five, eighteen hundred and sixty-nine, being section one thousand eight hundred and forty-three, of the compiled laws of eighteen hundred and seventy-one," approved April twenty-two, eighteen hundred and seventy-five.

SECTION 1. *The People of the State of Michigan enact, That* act amended.
act number one hundred and three, of the laws of eighteen hundred and seventy-five, being "An act to amend section twenty-eight, of an act entitled 'An act to revise and consolidate the several acts relating to the support and maintenance of poor persons,' approved April five, eighteen hundred and sixty-nine, being section one thousand eight hundred and forty-three of the compiled laws of eighteen hundred and seventy-one," approved April twenty-two, eighteen hundred and seventy-five, be and the same is hereby amended so as to read as follows:

(1843.) SEC. 28. It shall be the duty of the superintendents of the poor of each county, on or before the twentieth day of October in each year, to report to the Secretary of the State, for the year ending on the thirtieth day of September next preceding, and in such form as such Secretary shall direct, the condition of such poor-house during the preceding year; which report shall contain a statement of the number of paupers, insane, idiots, blind, mutes, and the average number of each class maintained during the preceding year; also the cost of supporting such persons in the poor-house; the salary of the keeper thereof; the amount paid for medical attendance; the estimated amount earned by paupers, and their nationality; the amount paid for the transportation of paupers; the amount paid to supervisors for services; the amount paid to superintendents of the poor; the number of persons who have received temporary relief outside [of] the poor-house during the

Superintendents
of poor shall
make annual
report to Secre-
tary of State.

What report
shall contain.

year; and the amount paid for such relief; the value of county farms, including buildings; the value of all personal property belonging or attached to such poor-house and farm, and the income received from the county farm. Such report shall also contain a statement of the general condition of the farm-house and other buildings, the manner in which paupers are treated, how they are fed, clothed, and in what manner such persons are cared for; how the insane and idiots are kept, and what are their accommodation and treatment; how the pauper children are educated; what the facilities are for bathing, heating and ventilation, and to include all other information necessary to give a complete account of the condition of such poor-house.

Approved May 21, 1877.

[No. 155.]

AN ACT to amend "An act to authorize the formation of corporations for literary and scientific purposes," approved April twenty-one, eighteen hundred and sixty-five, being chapter one hundred and twelve of the compiled laws of eighteen hundred and seventy-one.

Section added.

SECTION 1. *The People of the State of Michigan enact*, That "An act to authorize the formation of corporations for literary and scientific purposes," approved April twenty-one, eighteen hundred and sixty-five, being chapter one hundred and twelve of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended, by adding a new section thereto which shall stand as section nine.

Library exempt from execution.

SEC. 9. The library of every such corporation shall be exempt from execution, except for purchase money, and no chattel mortgage or other incumbrance given thereon shall be valid.

Approved May 21, 1877.

[No. 156.]

AN ACT to amend section one of an act entitled "An act to regulate proceedings by attachment against foreign corporations in certain cases," approved April fourth, eighteen hundred and seventy-one, being compiler's section five thousand five hundred and nineteen of compiled laws of eighteen hundred and seventy-one.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to regulate proceedings in attachment against foreign corporations in certain cases," approved April fourth, eighteen hundred and seventy-one, being compiler's section five thousand five hundred and nineteen of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

(5519.) SEC. 1. *The People of the State of Michigan enact,* That whenever an action shall be commenced by attachment against a foreign corporation, and proceedings by garnishment shall also be commenced in the same action, if it shall appear on the return of the writ of attachment that a copy thereof, and also copies of all garnishee summons issued in said action, have been personally served on any officer, member, clerk, or agent of such foreign corporation within this State, the same proceedings may be thereupon had in said action against said corporation, and in the same manner, as upon the return of a summons personally served in actions against natural persons; and in all cases of proceedings by garnishment against corporations, whether foreign or domestic, service of any process in the manner above provided for in case of foreign corporations, shall have like force and effect as personal service upon natural persons.

Approved May 21, 1877.

[No. 157.]

AN ACT making appropriations for the finishing and furnishing the Eastern Asylum for Insane, and for the maintenance of patients therein.

SECTION 1. *The People of the State of Michigan enact,* That the sum of sixty-seven thousand dollars be appropriated out of the State treasury for the fiscal year eighteen hundred and seventy-seven, for the following named purposes: Cooking apparatus for main kitchen and center building kitchen, including large and small ranges, boilers, steamers, utensils, etc.; laundry apparatus, including power washers and wringers, mangles, furnaces, etc.; carpenter apparatus, including all necessary machinery for wood working, tools, etc.; apparatus for working iron and pipe in blacksmith shop, and smith and pipe room, with tools, etc.; for horses, cows, pigs; baking apparatus, including oven and utensils; furnishing center or administration building; furnishing dining room and dormitories in chapel building, and dormitories in shops; furnishing dispensary, including cases, ware, instruments, furniture and drugs; furnishing chapel, seats, desk, books, etc.; furnishing wards for three hundred and thirty insane; fan for forced ventilation in place; gas and water distribution, including pipe, burners, tanks, pumps, hot water boilers, bath tubs, water closet fixtures, etc.; heating, including summer and winter supply and return pipes, boilers, pump, direct and indirect radiators, etc.; engine in place; shafting, hangers, pulleys and belting; gas house and apparatus for making gas; fire protection, pipes, hose hydrants, extinguishers, etc.; grading about the Asylum; setting trees south of the Asylum; garden tools; pumping station with power; to complete and furnish the asylum ready for occupancy: *Provided,* That no part of said appropriation shall be drawn from the treasury until a sufficient supply of living water be provided for all the needs of said Asylum.

Proceedings in actions against corporations by attachment and garnishment.

Appropriation for 1877.

Purposes for which appropriation is made.

Proviso relative to payment of appropriation.

Appropriation
for 1878.

SEC. 2. That there be and hereby is appropriated out of the State treasury to the Eastern Asylum for the Insane the sum of nine thousand dollars for the maintenance of patients for the fiscal year eighteen hundred and seventy-eight.

Authority to
draw for current
expenses in 1879.

SEC. 3. That the trustees of the Eastern Asylum for the Insane are hereby authorized to draw from the general fund of the State treasury, in the months of January, February and March, in the year eighteen hundred and seventy-nine, such amount of money as shall be made to appear to the Auditor General to be necessary to meet the current expenses of the Eastern Asylum for the Insane, which amount shall not exceed one-fourth of the amount appropriated for current expenses for this institution for the preceding year; said amount when so drawn shall be deducted from the appropriation for the year eighteen hundred and seventy-nine.

Moneys, how
drawn and ex-
pended.

SEC. 4. That the moneys hereby appropriated may be drawn from the State treasury upon the warrant of the Auditor General in such sums, and at such times, as shall be made to appear to him necessary; they shall be expended only for purposes specified, and their receipts and disbursements shall be accounted for by duplicate vouchers and monthly accounts current, as provided for by act number one hundred and forty-eight of the laws of eighteen hundred and seventy-three.

Incorporation in
State tax by
Auditor General.

SEC. 5. That the Auditor General is hereby authorized to incorporate the sum of sixty-seven thousand dollars in the State tax of eighteen hundred and seventy-seven. Also the sum of nine thousand dollars be incorporated in the State tax of eighteen hundred and seventy-eight, and when collected place the several amounts to the credit of the general fund.

SEC. 6. This act shall take immediate effect.

Approved May 31, 1877.

[No. 158.]

AN ACT to provide for the stereotyping or electrotyping of Supreme Court Reports.

Authority to
stereotype or
electrotype the
pages of the
Supreme Court
reports.

SECTION 1. *The People of the State of Michigan enact*, That the Board of State Auditors are hereby authorized in their discretion, to insert in the next or any future advertisement of a contract to be let for the State printing of the State of Michigan, an invitation for proposals to stereotype or electrotype the pages of the Supreme Court reports, when the same shall hereafter be printed. In case such reports shall be stereotyped or electrotyped, the number of the edition printed for immediate use or sale, shall be fixed by the Board of State Auditors, not exceeding, however, the number already specified by law.

Number of
reports printed
for immediate
use or sale.

SEC. 2. This act shall take immediate effect.

Approved May 21, 1877.

[No. 159.]

AN ACT to authorize the board of supervisors of the several counties in this State to provide for the preservation and maintenance of the original section corners and quarter posts, as surveyed and recorded by the original survey thereof.

SECTION 1. *The People of the State of Michigan enact,* That the boards of supervisors of the several counties are hereby authorized to establish and perpetuate any government corners in their respective counties which they may have good reason to believe are lost, or in danger of being lost, by the employment of a surveyor therefor; and the surveyor so establishing the same may charge the lands benefited thereby with the amount of his legal fees, and for labor and materials furnished, the same as in cases of surveys made on application of resident owners.

Supervisors may employ surveyor and establish government corners.

Fees of surveyor, etc.

Approved May 21, 1877.

[No. 160.]

AN ACT to authorize the Board of Control of State swamp land to cause the removal of a jam or raft of flood-wood from the Shiawassee river in the township of St. Charles, in the county of Saginaw, and to appropriate not exceeding ten sections of State swamp land to defray the cost thereof.

SECTION 1. *The People of the State of Michigan enact,* That the Board of Control of State swamp lands be and they are hereby authorized, if in their judgment the public interest requires it, to remove or cause to be removed, in such manner as to them may seem best, but under their direction and control, a certain jam or raft of flood-wood in the Shiawassee river in the township of St. Charles, in the county of Saginaw, and to appropriate and use for that purpose not exceeding ten sections of State swamp lands. The said Board of Control shall cause an examination, by one of their number or otherwise, of the work to be done, and to report to said board thereon, the necessity of doing such work, and the estimated cost thereof, before the first day of August, eighteen hundred and seventy-seven.

Board of control authorized to remove obstruction.

SEC. 2. It shall be the duty of said Board of Control, on or before the first day of August, in the year of our Lord eighteen hundred and seventy-seven, if upon such examination they shall deem the same necessary, to advertise for sealed proposals for the doing of said work, stating in the notice that the work is to be paid for in State swamp land; which notice shall be published once a week for six consecutive weeks in two newspapers printed and published in said county of Saginaw.

Proposals for work.

SEC. 3. To secure the removal of said obstruction in the said river, the Board of Control of State swamp land is hereby authorized to appropriate ten sections of State swamp land of six hundred and forty acres each, to be selected from the State swamp land

Board authorized to appropriate swamp land.

in the Lower Peninsula of this State; and there shall be issued to the contractor entitled thereto the proper certificates for so much of said ten sections of State swamp land as he may be entitled to upon the performance of his contract, according to the terms thereof.

SEC. 4. This act shall take immediate effect.

Approved May 21, 1877.

[No. 161.]

AN ACT to amend section four of chapter twenty-one, of the compiled laws of eighteen hundred and seventy-one, being compiler's section nine hundred and seventy in regard to a uniform assessment of property.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section four of chapter twenty-one of the compiled laws of eighteen hundred and seventy-one, being compiler's section nine hundred and seventy, be amended so as to read as follows:

Corporate property, assessment of, etc.

SEC. 4. All property of private corporations, except in the cases where some other provision is made by law, shall be assessed in the name of the corporation in the township or ward where the same shall be situated; and in collecting the same all the personal property of such corporation shall be liable to be seized wherever the same may be found in the county, and sold in the same manner as the property of individuals may be sold for taxes (and the assessed value of all real estate which is a part or parcel of the capital stock of any bank shall be deducted from the assessed value of such bank shares *pro rata*).

Approved May 21, 1877.

[No. 162.]

AN ACT to authorize and empower the Board of Control of State Swamp Lands to make an appropriation of State swamp lands to complete and make passable a certain section of the Duncan, Alpena and Au Sauble State Road.

Line of road.

SECTION 1. *The People of the State of Michigan enact, That* to complete and make passable that portion of the Duncan, Alpena and Au Sauble State road, beginning at the northwest boundary of said city of Alpena, thence north along said road to a point where said road crosses the north and south line between sections twenty-nine and thirty, in town thirty-two north, of range seven east, and for the purpose of drainage and reclamation, the Board of Control of State swamp lands are hereby authorized and empowered to appropriate two sections of State swamp land per mile on that portion of said road hereinbefore designated; such lands to be selected from any vacant State swamp lands within the counties of Alpena and

Appropriation authorized.

Lands, where to be selected.

Presque Isle, and said appropriation to be expended under the direction of said Board of Control.

SEC. 2. This act shall take immediate effect.

Approved May 21, 1877.

[No. 163.]

AN ACT to amend section two of an act entitled "An act to amend an act entitled 'An act to provide for the opening and improvement of roads on the line of adjoining townships,' being compiler's section one thousand two hundred and fourteen of chapter twenty-three of the compiled laws of eighteen hundred and seventy-one, approved March nineteenth, eighteen hundred and sixty-three, and to add three new sections thereto," approved April twenty-ninth, eighteen hundred and seventy-five.

SECTION 1. *The People of the State of Michigan enact, That* section two of an act entitled "An act to amend an act entitled 'An act to provide for the opening and improvement of roads on the line of adjoining townships,' being compiler's section twelve hundred and fourteen of chapter twenty-three of the compiled laws of eighteen hundred and seventy-one, approved March nineteenth, eighteen hundred and sixty-three, and to add three new sections thereto," approved April twenty-ninth, eighteen hundred and seventy-five, be and the same are hereby amended so as to read as follows:

SEC. 2. If a road shall have been laid out and established on the line between adjoining townships as aforesaid, and either township shall have opened and improved the road or part of road belonging to such township, the commissioner of highways of the township neglecting or refusing to open and improve the road or part of road belonging to the same shall, upon the petition of six freeholders of either township, proceed to open and improve the road or part of road belonging thereto: *Provided, That* whenever the commissioners of highways of adjoining townships, acting jointly in locating and establishing a highway on the line between their respective townships, may consider it necessary to deflect the line of such highway from the boundary of the townships, they may locate and establish the same in the same manner as is provided for the locating and establishing of a highway on the township line; and when so located and established, they shall open and improve the same in the same manner and with the same powers, privileges, and liabilities as is now provided for the opening and improving of highways on the line between adjoining townships.

Approved May 21, 1877.

Section amended.

Proceedings on the opening, etc., of roads on line between townships.

Proviso—locating highway off from township line.

[No. 164.]

AN ACT to authorize cities, incorporated villages, and townships, to establish and maintain free public libraries and reading rooms.

Cities may maintain public libraries.

SECTION 1. *The People of the State of Michigan enact, That* the city council of each incorporated city shall have power to establish and maintain a public library and reading room, for the use and benefit of the inhabitants of such city, and may levy a tax of not to exceed one mill on the dollar annually on all the taxable property in the city, such tax to be levied and collected in like manner with other general taxes of said city, and to be known as the "Library Fund."

Tax for library fund.

Directors.

SEC. 2. When any city council shall have decided to establish and maintain a public library and reading room under this act, the mayor of such city shall, with the approval of the city council, proceed to appoint a board of nine directors for the same, chosen from the citizens at large, with reference to their fitness for such office, and not more than one member of the city council shall be at any one time a member of said board.

Term of office.

SEC. 3. Said directors shall hold office, one-third for one year, one-third for two years, and one-third for three years, from the date of their appointment, and at their first regular meeting shall cast lots for the respective terms, and annually thereafter the mayor shall appoint, as before, three directors, to take the place of the retiring directors, who shall hold office for three years and until their successors are appointed. The mayor may, by and with the consent of the city council, remove any director for misconduct or neglect of duty.

Removal.

Vacancies in board, how filled.

SEC. 4. Vacancies in the board of directors occasioned by removals, resignation or otherwise, shall be reported to the city council, and be filled in like manner as original appointments, and no director shall receive compensation as such.

Organization of board.

SEC. 5. Said directors shall, immediately after appointment, meet and organize, by the election of one of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules, and regulations for their own guidance and for the government of the library and reading room, as may be expedient, not inconsistent with this act. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose: *Provided*, That all moneys received for such library shall be deposited in the treasury of said city to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, and drawn upon by the proper officers of said city, upon the properly authenticated vouchers of the library board. Said board shall have power to purchase or lease grounds, to occupy, lease, or erect an appropriate building or buildings for the use of said library; shall have power

By-laws, etc.

Control of mon-
ey, care of
grounds, etc.

Board may purchase grounds, erect buildings, appoint librarian, etc.

to appoint a suitable librarian and necessary assistants, and fix their compensation; and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of this act in establishing and maintaining a public library and reading room.

SEC. 6. Every library and reading room established under this act shall be forever free to the use of the inhabitants where located, always subject to such reasonable rules and regulations as the library board may adopt; and said board may exclude from the use of said library and reading room any and all persons who shall willfully violate such rules. Library to be free.

SEC. 7. The said board of directors shall make, at the end of each and every year from and after the organization of such library, a report to the city council, stating the condition of their trust at the date of such report, the various sums of money received from the library fund and from other sources, and how such moneys have been expended, and for what purposes; the number of books and periodicals on hand; the number added by purchase, gift, or otherwise during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books, with such other statistics, information, and suggestions as they may deem of general interest. All such portions of said report as relate to the receipt and expenditure of money, as well as the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit. Board to report to council.

SEC. 8. The city council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds or other property thereof, or for willful injury to or failure to return any book belonging to such library. Council may pass ordinances to prevent injury to library.

SEC. 9. Any person desiring to make donations of money, personal property, or real estate for the benefit of such library, shall have the right to vest the title to [the] money or real estate so donated in the board of directors created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise, or bequest of such property; and as to such property, the said board shall be held and considered to be special trustees. Donations.

SEC. 10. When fifty legal voters of any incorporated village, or township shall present a petition to the clerk of the village, or township, asking that an annual tax may be levied for the establishment and maintenance of a free public library in such village or township, and shall specify in their petition a rate of taxation not to exceed one mill on the dollar, such clerk shall, in the next legal notice of the regular annual election in such village or township, give notice that at such election every elector may vote "for a ----- mill tax for a free public library," or "against a ----- mill tax for a free public library," specifying in such notice the rate of taxation mentioned in said petition; and if the majority of all the votes cast in such village or township shall be "for the tax for a free public library," the tax specified in such notice shall Provision for raising money by tax on villages and townships for library.

Proviso.	be levied and collected in like manner with other general taxes of said village or township, and shall be known as the "library fund :" <i>Provided</i> , That such tax shall not be levied in any year unless the legal voters of any such village, or township shall so determine by a majority vote at the annual election held therein; and the corporate authorities of any such villages or townships may exercise the same powers conferred upon the corporate authorities of cities under this act.
Library board of directors in village or township.	SEC. 11. At the next regular election after any village, or township shall have voted to establish a free public library, there shall be elected a library board of six directors—one-third for one year, one-third for two years, and one-third for three years; and annually thereafter there shall be elected two directors, who shall hold their office for three years, and until their successors are elected and qualified; which board shall have the same powers as are by this act conferred upon the board of directors of free public libraries in cities.
Term of office.	
Powers.	
Application of act.	SEC. 12. This act shall not apply to cities or villages containing a population of over ten thousand, or to any city or village maintaining a public library under any special act. Approved May 21, 1877.

[No. 165.]

AN ACT to amend "An act to define the powers and duties of the boards of supervisors of the several counties and to confer upon them certain local administrative and legislative powers," approved April eight, eighteen hundred and fifty-one.

Section amended.	SECTION 1. <i>The People of the State of Michigan enact, That</i> compiler's section four hundred and seventy-seven, chapter ten, compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:
Powers of boards of supervisors.	SEC. 2. (477.) SEC. 11. The said several boards of supervisors shall have power, and they are hereby authorized, at any meeting thereof, lawfully held,
To buy real estate for certain purposes.	<i>First</i> , To purchase for the use of the county any real estate necessary for the erection of buildings for the support of the poor of such county, and for a farm to be used in connection therewith;
	<i>Second</i> , To purchase any real estate necessary for the site of any court house, jail, clerk's office, or any other county building in such county;
Determine sites.	<i>Third</i> , To fix upon and determine the site of any such building, if not previously located;
Sell or lease real estate, etc.	<i>Fourth</i> , To authorize the sale or leasing of any real estate belonging to such county, and to prescribe the mode in which any conveyance thereof be executed;
New sites.	<i>Fifth</i> , To remove, or designate a new site for any county buildings required to be at the county seats, when such removal shall

not exceed the limits of the village or city at which the county seat is situated, as previously located ;

Sixth, To cause to be erected the necessary buildings for poor-houses, jails, clerks' offices, and other county buildings, and to prescribe the time and manner of erecting the same ;

Erection of
buildings for
poor houses,
offices, etc.

Seventh, To borrow or raise by tax upon such county any sums of money necessary for any of the purposes mentioned in this act :

Borrow or raise
money.

Provided, That no greater sum than one thousand dollars shall be borrowed or raised by tax in any one year, for the purpose of constructing or repairing public buildings, highways, or bridges, unless authorized by a majority of the electors of such county voting therefor as hereinafter provided ;

Proviso.

Eighth, To provide for the payment of any loan made by them, by tax upon such county, which shall in all cases be within fifteen years from the date of such loan ;

Payment of loans
by tax.

Ninth, To prescribe and fix the compensation for all services rendered for, and adjust all claims against their respective counties, and the sums so fixed and defined shall be subject to no appeal.

Compensation
for services,
claims, etc.

Tenth, To direct and provide for the raising of any money which may be necessary to defray the current expenses and charges of said county, and the necessary charges incident to or arising from the execution of their lawful authority, subject to the limitations prescribed in this act ;

Current
expenses.

Eleventh, To abolish or revive the distinctions between township and county poor ;

Distinction as to
poor.

Twelfth, Shall have power to authorize the making out a new tax roll ; to extend and determine by resolution, the time when each collector or township treasurer in their county shall make his return to the county treasurer, but such time shall in no case exceed two months from the time fixed by the general law, and where an extension is had each collector or township treasurer shall be authorized to levy and collect all taxes as provided in the general laws for the levy and collection of taxes. But no collector or township treasurer shall receive the benefit of such extension until he shall have paid over to the county treasurer or other officer or person authorized to receive the same, all moneys collected by him up to the first day of February, which may be due ; and in all cases interest shall be charged on all taxes so extended from the time of such extension ;

Collection of
taxes.

Limit of time.

Thirteenth, To make such laws and regulations as they may deem necessary, and provide for enforcing the same, for the destruction of wild beasts, of thistles and other noxious weeds within the several counties ;

Destruction of
wild beasts,
thistles, etc.

Fourteenth, To require any county officer, whose salary or compensation is paid by the county, to make a report, under oath, to them on any subject or matters connected with the duties of his office, and to require such officer to give bonds, or further or additional bonds, as shall be reasonable or necessary, for the faithful performance of their respective duties ; and any such officer who shall neglect or refuse to make any such report, or to give such bond within a reasonable time after being so required, may be

Reports and
bonds of county
officers.

Removal from
office upon refusal
to furnish.

Provide.

To authorize townships to borrow money to build or repair bridges.

removed from office by such board by a vote of two-thirds of all the members elect, and the office declared vacant, and such board may fill such vacancy for the unexpired portion of the time for which such officer was elected or appointed: *Provided*, That if the spring or fall election shall occur before the expiration of the said unexpired term, if the office be an elective one, the vacancy shall be filled at such election, and it shall be the duty of such board to give reasonable notice of such election to fill the vacancy;

Fifteenth, To authorize any township or townships in their respective counties, by a vote of the electors of said township or townships, to borrow or raise by tax upon such township, any sum of money not exceeding one thousand dollars in any township in any one year, to build or repair any roads or bridges in such township or townships, or in the use of which such township or townships may be interested, and to prescribe the time for the payment of any such loan, which shall be within ten years, and for assessing the principal and interest thereof upon such township or townships; and if any road or bridge is situated partly in one township and partly in another, or on the line between townships, or in case any township has any particular local interest in the construction or repair of any bridge, such board of supervisors may determine, under such regulations as they may establish, the relative proportion which each township shall contribute in the building and repairing thereof, and the amount so apportioned to the several townships shall be assessed and collected in the same manner as other township taxes are now assessed and collected by law;

General powers.

Sixteenth, To represent their respective counties, and to have the care and management of the property and business of the county in all cases where no other provision shall be made;

Proceedings before board.

Seventeenth, To establish such rules and regulations in reference to the management of the interest and business concerns of such county, and in reference to the mode of proceeding before such board, as they shall deem necessary and proper in all matters not especially provided for in this act or in some law of this State:

Provide as to auditing and allowing claims, etc.

Provided, however, That the board of supervisors shall in no case audit or allow any bill, claim, or charge against the people or the county which shall not have been filed with the county clerk of such county on or before the third day of any regular meeting of said board, or on or before the first day of the adjourned or other meeting, as the case may be, except bills or claims which shall have been contracted by said board during the session thereof, and for mileage and per diem of the members of said board; and the county clerk shall keep a book in which he shall enter all claims in the order in which they are presented, giving the name of the claimant, the amount of the claim, and the date when presented, which book shall, after the time prescribed for the presentation of claims, be placed in the hands of the chairman for the use of the board: *And*

Provide as to allowing accounts at October session.

provided further, That at the October session of the board may, by a vote of two-thirds of all the members elected, receive and allow accounts which have wholly accrued during the session: *And provided further*, That the board of supervisors shall have author-

ity to remove any officer or agent heretofore or hereafter to be appointed by said board when, in their opinion, he is incompetent to execute properly the duties of his office, or when on charges and evidence they shall be satisfied that he has been guilty of official misconduct, or habitual or wilful neglect of duty, if, in their opinion, such misconduct or neglect shall be a sufficient cause for such removal; but no such officer or agent shall be removed for such misconduct or neglect unless charges thereof shall have been preferred to said board of supervisors or the chairman thereof, and notice of the hearing, with a copy of the charges, delivered to such officer or agent, and a full opportunity given him to be heard in his defense, either in person or by counsel.

Removal of
officers appointed
by board.

Approved May 21, 1877.

[No. 166.]

AN ACT making appropriations for building additions, repairs, and improvements to the State Prison at Jackson.

SECTION 1. *The People of the State of Michigan enact*, That thirty-one thousand and five hundred dollars be and the same is hereby appropriated from the general fund, for the year eighteen hundred and seventy-seven, to be expended under the direction of the inspectors of the State Prison at Jackson, for additions, repairs, and improvements therein as follows:

Appropriation
for additions,
repairs, etc.

Nine hundred and sixty-five dollars for an addition to the building known as the wagon shop;

Sixteen thousand dollars for building an addition to the east wing of the prison;

Three thousand dollars for rebuilding and repairing the cooper shop, and for such other repairs as may be necessary at the prison, and ordered by the inspectors;

Six thousand dollars for extending engine building, for storage room, State shops and bath rooms;

Five thousand five hundred and thirty-five dollars for extension of prison wall from the southeast corner of the present wall to Cooper street, thence north to a point north of the east gate, and thence west to the present wall; and for a gate in the east side of the new wall. Any unexpended balances not expended for the purposes for which they were appropriated may be applied to any of the objects named in this bill, under the direction of the inspectors of the State Prison.

SEC. 2. The above amounts may be drawn from the State Treasurer [Treasury], and accounted for in the manner provided by law.

How drawn.

SEC. 3. The Auditor General shall include the amount appropriated by this act in the State tax for eighteen hundred and seventy-seven, and when collected, place the amount to the credit of the general fund.

Auditor General
to include in
State tax.

SEC. 4. This act shall take immediate effect.

Approved May 21, 1877.

[No. 167.]

AN ACT to regulate the height of bridges over railroad tracks.

Height of
bridges over
railroad tracks.

SECTION 1. *The People of the State of Michigan enact*, That no bridge hereafter constructed over any railroad in this State, except in cities and villages having power under their charters to regulate the height of such bridges, shall be at a height less than eighteen feet above the track of such railroad, except by the written consent of the Commissioner of Railroads.

Approved May 21, 1877.

[No. 168.]

AN ACT to authorize supervisors of townships to administer oaths in certain cases.

Supervisors may
administer oaths
in certain cases.

SECTION 1. *The People of the State of Michigan enact*, That the supervisor of any township or ward in the State of Michigan is hereby authorized to place any person under oath on any of his statements made to said supervisor in his official capacity as supervisor, which oath the supervisor is hereby authorized to administer.

Approved May 21, 1877.

[No. 169.]

AN ACT to amend section fifteen of chapter one hundred and seventy-nine [two hundred and thirty] of the compiled laws of eighteen hundred and seventy-one, the same being compiler's section five thousand five hundred and thirty-nine, relative to criminal proceedings before justices of the peace.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section fifteen of chapter one hundred and seventy-nine [two hundred and thirty] of the compiled laws of eighteen hundred and seventy-one, the same being compiler's section five thousand five hundred and thirty-nine, relative to criminal proceedings before justices of the peace, be amended so as to read as follows:

Verdict, how
delivered and
entered.

(5539.) SEC. 15. When the jurors have agreed on their verdict, they shall deliver the same to the court publicly, who shall enter it in the minutes of its proceedings; and the jurors shall each be entitled to the same fees as are or may be provided by law for jurors sworn in civil cases before justices of the peace, and such fees shall be audited and paid, upon the certificate of the justice before whom the trial was had, in the same manner as other legal charges against the county.

Fees of jurors.

Approved May 21, 1877.

[No. 170.]

AN ACT to provide for the publication and distribution of the laws and documents of this State, and to repeal compiler's sections four, five, six, seven, eight, nine, ten, fifteen, sixteen, seventeen, eighteen, nineteen, three hundred and sixty-eight, three hundred and sixty-nine, three hundred and seventy, three hundred and seventy-one, three hundred and seventy-two, and three hundred and seventy-three, of the compiled laws of eighteen hundred and seventy-one, and the act entitled "An act to provide for the publication and distribution of the laws and documents of this State," approved April twenty-five, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact*, That the Secretary of State be and he is hereby directed and required, within twenty days after the close of any session of the Legislature of this State, to carefully examine and classify the acts passed and prepare the same for publication in bound volumes, as follows: Secretary of State to classify and prepare acts for publication.

All acts of a general character which affect the people of the whole State, all joint and concurrent resolutions, amendments to the constitution of the State adopted after the publication of the laws of the previous session of the Legislature, and so much of the annual report of the State Treasurer of the year in which there is a regular session of the legislature as shall give an accurate account of the receipts and expenditures of the public moneys, shall be published in one volume, properly arranged with side notes and indexes thereto, as the session laws are usually published, lettered on the back, "Public acts, Michigan, session of 18—." Acts, etc., how classified and published.

All acts of a local or municipal character, which do not affect the people of the whole State, and the copies of proceedings of boards of supervisors organizing new townships, or changing the boundaries of townships, received and filed in the office of the Secretary of State after the publication of the laws of the previous session of the Legislature, shall be published in one or more volumes, properly arranged with side-notes and indexes thereto, and shall be lettered on the back, "Local acts, Michigan, session of 18—." Style of printing.

The style of printing shall be in long primer, solid type, and the size of the page shall be similar to that of the compiled laws of eighteen hundred and seventy-one.

SEC. 2. That there shall be published of the volume containing the public acts of each session of the Legislature, a sufficient number of copies to supply the following persons, officers, libraries, corporations, and societies, with one copy each viz.: State officers and their deputies, libraries of State officers, officers and libraries of State institutions, members and libraries of State boards, members of the Legislature passing said acts, the secretary, assistant secretary, and clerks of the Senate, and the clerk and assistant clerks of the House of Representatives in this State; Senators and Representatives of this State in Congress, the Secretary of State of the United States, the United States Senate library, and the Library Volume of "Public Acts," number of copies to be published. Officers, etc., to be supplied.

of Congress; judges and clerks of circuit and district courts of the United States in this State; justices and clerk of the supreme court, judges and clerks of the circuit courts, judges and clerks of superior and police courts, county clerks, prosecuting attorneys, circuit court commissioners, sheriffs, judges of probate, registers of deeds, county treasurers, county superintendents of the poor, county surveyor, and coroners; supervisors, clerks, and justices of the peace of townships; supervisors, assessors, clerks, and justices of the peace of cities; public, free, and incorporated libraries, union schools having a library, and publishers of newspapers in this State. That in addition to the foregoing, there shall be published of said public acts, twelve hundred copies, two hundred copies of which shall be deposited in the State library for use in said library and for exchanges, and the remaining one thousand copies shall be deposited in the office of the Secretary of State, for sale and future distribution.

Additional
copies.

Volume of
"Local Acts,"
number of copies
to be published.

Officers, etc., to
be supplied.

SEC. 3. That there shall be published of the volume or volumes containing the acts of a private or municipal character, a sufficient number of copies to supply the following persons, officers, libraries, and corporations with one copy each, viz.: State officers and their deputies, libraries of State officers, officers and libraries of State institutions, members and libraries of State boards, members of the Legislature passing said acts, the secretary, assistant secretary, and clerks of the Senate, the clerk and assistant clerks of the House of Representatives; judges and clerks of circuit and district courts of the United States in this State; justices and clerk of the supreme court, judges and clerks of the circuit courts, judges and clerks of superior and police courts, county clerks, prosecuting attorneys, circuit court commissioners, clerks of such townships, villages, and cities as are directly affected by any of said acts for the use of such townships, villages, and cities, public and free libraries, and publishers of newspapers in this State. That in addition to the foregoing there shall be published of said local acts three hundred copies, one hundred copies of which shall be deposited in the State library for use in said library and for exchanges, and the remaining two hundred copies shall be deposited in the office of the Secretary of State, for sale and future distribution.

Additional
copies.

Branded or
marked "State
Property."

SEC. 4. That all the volumes of the State laws hereafter published and distributed, and required to be retained in any library, or passed over by any officer to his successor in office, shall have marked or branded on the back thereof the words "State Property."

Sale.

SEC. 5. That the Secretary of State is authorized to sell, in his discretion, such extra copies of the session laws as will not be required for distribution, at a fair price, not less than the actual cost thereof, and shall account for the same to the State Treasurer, and pay the money received therefor into the State treasury monthly.

Journal of Sen-
ate and House.

SEC. 6. That the official journal of the Senate and House of Representatives shall be printed in long primer solid type, same

size of page as that of the compiled laws of eighteen hundred and seventy-one, and a sufficient number shall be printed and bound in volumes of convenient size, to supply the following persons, officers, libraries, and corporations with one copy each, viz.: State officers and their deputies, libraries of State officers, officers and libraries of State institutions, members and libraries of State boards, members of the Legislature of the year when said journals are issued, the secretary, assistant secretary, and clerks of the Senate, the clerk and assistant clerks of the house of representatives; Senators and Representatives of this State in Congress, the United States Senate library, and the Library of Congress, judges and clerks of the United States circuit and district courts in this State; justices and clerk of the supreme court, judges of circuit courts, county clerks, public and free libraries, and publishers of newspapers in this State. That in addition to the foregoing, there shall be published two hundred copies of said journals, one hundred copies of which shall be deposited in the State library for use in said library and for exchanges, and the remaining one hundred copies shall be deposited in the office of the Secretary of State to supply future demands.

Number of copies to be published.

Officers, etc., to be supplied.

Additional copies.

SEC. 7. That there shall be published a sufficient number of copies of the reports of the several officers, boards of officers, and public institutions of this State, now or hereafter required to make reports, not mentioned in sections eight, nine, ten, and eleven of this act, and be bound together as joint documents of the fiscal or calendar year for which such reports are made, to supply the following persons, officers, libraries, corporations, and societies, viz.: State officers and their deputies, libraries of State officers, officers and libraries of State institutions, members and libraries of State boards; Senators and Representatives of this State in Congress, the United States Senate library and the Library of Congress; members of the Legislature of the year for which said joint documents are published, justices of the Supreme Court, judges of the circuit courts, county clerks, county treasurers, and judges of probate; township and city clerks for the use of township and city libraries, public, free, and incorporated libraries, union schools having a library, and publishers of newspapers in this State. That in addition to the foregoing there shall be published of said reports as joint documents three hundred and fifty copies, one hundred and fifty copies of which shall be deposited in the State library for use in said library and for exchanges, and the remaining two hundred copies shall be deposited in the office of the Secretary of State to supply future demands.

Joint documents, number of copies.

Officers to be supplied.

Additional copies.

SEC. 8. That the secretary of the State Board of Agriculture shall report to the Legislature at every regular session thereof, and to the Governor on the first Wednesday of January of each year when the Legislature is not in session, which report shall embrace all statements, accounts, statistics, prize essays, and other information relative to agriculture in general, proceedings of the State Board of Agriculture, of the State Agricultural College and farm,

Report of Secretary of State Board of agriculture, what to embrace.

Number of copies to be published and how distributed.

Additional copies and distribution of same.

Report of Secretary of State Pomological Society, number of copies published, distribution, etc.

Report of Secretary of State on births, marriages, and deaths.

Report of the Secretary of State Board of Health.

of the State Agricultural Society, and of the county and district agricultural societies, to be approved by the board. That four thousand copies of this report shall be printed and bound annually, which shall be placed at the disposal of the State Board of Agriculture,—one thousand copies to be distributed by the secretary of said State Board of Agriculture, as the board shall direct, and the remaining three thousand copies to be distributed, within one year after publication, by the secretary of the board to the secretaries of the various district and county societies, as equally as may be, according to the population of said counties, to be by said secretaries distributed among the various viewing committees of county and district fairs, giving one volume of said report to each of such committees as shall be present and discharge the duties of the office on the days of the county and district fairs; and in addition to the foregoing there shall be published a number of copies of said report equal to the number of reports bound as joint documents, which shall be disposed of in the same manner as the joint documents.

SEC. 9. That the secretary of the State Pomological Society shall make a report annually, similar in character to that of the secretary of the State Board of Agriculture, but covering the questions of fruit culture and the preservation and improvement of fruit exclusively, said report to be printed and bound in equal numbers, and in like manner as the report of the secretary of the State Board of Agriculture, four thousand copies to be placed at the disposal of the State Pomological Society, which shall be distributed in like manner as the report of the secretary of the State Board of Agriculture, giving preference to pomological societies or associations, and fruit growers wherever such may exist within the State, and the remaining copies to be disposed of in the same manner as the joint documents.

SEC. 10. That a sufficient number of copies of the annual report of the Secretary of State on births, marriages, and deaths shall be printed and bound for distribution, in the same manner as the joint documents; also, a sufficient number to supply the officers making returns of births and deaths compiled in said report with one copy each, for depositing one hundred and fifty copies in the State Library for use in said library and for exchanges, two hundred copies in the office of the Secretary of State as in the case of the joint documents, and one thousand copies in the office of the State Board of Health for distribution by said board in their discretion.

SEC. 11. That a sufficient number of copies of the annual report of the Secretary of the State Board of Health shall be printed and bound for distribution, in the same manner as the joint documents; also, for depositing one hundred and fifty copies in the State library for use in said library and for exchanges, two hundred copies in the office of the Secretary of State, as in the case of the joint documents, and three thousand five hundred copies in the office of the State Board of Health for distribution by said board to

the officers and members of local boards of health and other persons interested in or laboring for the promotion of the cause of public health.

SEC. 12. That in addition to the number of such reports as are required to be bound together as joint documents, there shall be published a sufficient number of copies to supply the members and clerks of the Legislature with one copy each; also the several officers, boards of officers, and institutions making reports with such a number of copies of their respective reports as they may desire, not exceeding five hundred copies, to be distributed by them in their discretion; also for depositing fifty copies in the State library for use in said library, and two hundred copies in the office of the Secretary of State to supply future demands: *Provided*, That in addition to the foregoing, there shall be published a sufficient number of copies of the abstract of the annual reports of the county superintendents of the poor, the abstract of the annual reports of sheriffs, and the abstract of statistical information relative to the insane, deaf, dumb, and blind, compiled and published by the Secretary of State, to supply the several officers making the returns with one copy each, which shall be distributed by the Secretary of State; also a sufficient number of copies of the annual report of the Superintendent of Public Instruction to supply the township and district school libraries in the State with one copy each, which shall be distributed by the Superintendent of Public Instruction in the same manner, and the expense thereof shall be borne in the same way, as in the case of the distribution of books by the Secretary of State, as provided in this act: *Provided further*, That the Board of State Auditors may, in their discretion, order an additional number of copies of any of said reports published, not exceeding three hundred copies, which shall be placed at the disposal of the officers making the reports.

Reports of State officers in addition to those bound as joint documents.

Additional copies of certain reports.

Board of State Auditors may order additional copies.

SEC. 13. That it shall be the duty of the State printer to advise with the Secretary of State as to the number of copies of any of the books or pamphlets mentioned in this act required, before proceeding to print the same; and that it shall be the duty of the Secretary of State to advise with the several officers, boards of officers, and public institutions making reports as to the number of copies of their reports necessary.

State Printer to advise with Secretary of State as to number of books to be printed.

SEC. 14. That it shall be the duty of the Secretary of State to direct and oversee the prompt distribution of the laws, journals, documents, and reports mentioned in this act, whose distribution is not otherwise provided for; and said laws, journals, documents, and reports shall be shipped to the several county clerks in the State, and be distributed by them to the persons, officers, corporations, and societies within their respective counties entitled to the same, and that, until so distributed, they shall be carefully preserved by said county clerks. That the accounts for boxes furnished to the Secretary of State for package and distribution shall be audited and allowed by the Board of State Auditors and paid out of the State Treasury, and the expense of transportation from the office

Secretary of State to oversee distribution.

Proviso.	of the Secretary of State to the county clerks, and of distribution by the county clerks to the persons entitled to the same shall be audited and allowed by the boards of supervisors and paid out of the county treasuries: <i>Provided, however,</i> That the Secretary of State may, in his discretion, personally deliver or ship directly to any of the persons, officers, corporations, or societies entitled to any book or books mentioned in this act.
County clerks to receipt for books.	SEC. 15. That it shall be the duty of the several county clerks upon receiving any of the books mentioned in this act, to receipt to the Secretary of State for the same, which receipt shall be filed and preserved in the office of the Secretary of State; that it shall also be the duty of said county clerks to distribute said books as provided in this act, and to report once in each year when requested, to the Secretary of State on blanks furnished by him, by giving a full statement of all of said books remaining in his office, together with the names of the officers neglecting to call for the books to which he is entitled; and that it shall be the duty of all persons, officers, corporations, and societies, upon receiving any of the books mentioned in this act, to receipt to the county clerk for the same, which receipt shall be filed and preserved in the office of the county clerk. That it shall also be the duty of the Secretary of State to notify each person to whom any books are sent, either directly or in care of the county clerk, which are required by this act to be kept in any library or passed over to any successor in office, and that each person receiving such notice shall, within a reasonable time, apply to the county clerk for the books mentioned in said notice, if such books were sent to the county clerk, and obtain the same; and if such books have been received by the county clerk and are not called for as aforesaid, such person thus notified shall be held responsible in the same manner and to the like extent, as in the case of his neglect or refusal to deliver over to his successor books received by him as provided in section sixteen of this act.
To distribute books sent them.	
To report to Secretary of State.	
Officers, etc., to receipt to county clerks.	
Secretary of State to notify persons to whom books are sent.	
Duty of officers to call for books, and penalty for neglect.	
Officer, etc., to deliver books to successor.	SEC. 16. That every person or officer who shall receive any of the books distributed by the Secretary of State, which are required by this act to be placed in his library, and that each city, township, and county officer shall, when he ceases to hold such office, deliver over to his successor in office all such books received by him, and that any person who shall neglect or refuse to deliver over to his successor in office all such books received by him as aforesaid, shall be liable to such successor in an action for money had and received to the full amount it shall cost him to furnish himself with such books, and costs of suit; which action shall, on request, be brought and prosecuted by the prosecuting attorney of the county; and that any person who shall knowingly and willfully retain any such books in his possession, or refuse to pass them over to his successor, shall also be subject to a penalty in a sum not exceeding fifty dollars, or be imprisoned in the county jail not exceeding three months, or both, in the discretion of the court: <i>Provided, however,</i> That township and county officers receiving the abstract of reports of county superintendents of the poor, of sheriffs, or of the insane,
Penalty for neglect.	
Proviso.	

deaf, dumb, and blind, shall not be required to pass it over to his successor.

SEC. 17. That compiler's sections four, five, six, seven, eight, nine, ten, fifteen, sixteen, seventeen, eighteen, nineteen, three hundred and sixty-eight, three hundred and sixty-nine, three hundred and seventy, three hundred and seventy-one, three hundred and seventy-two, and three hundred and seventy-three of the compiled laws of eighteen hundred and seventy-one, and the act entitled "An act to provide for the publication and distribution of the laws and documents of this State," approved April twenty-five, eighteen hundred and seventy-three, are hereby repealed. Sections repealed.

SEC. 18. This act shall take immediate effect.

Approved May 22, 1877.

[No. 171.]

AN ACT to amend sections nine and fifteen of chapter fifty-five of the compiled laws of eighteen hundred and seventy-one, being compiler's sections one thousand nine hundred and ninety-two and one thousand nine hundred and ninety-eight, relative to gaming.

SECTION 1. *The People of the State of Michigan enact, That* sections nine and fifteen of chapter fifty-five of the compiled laws of eighteen hundred and seventy-one, being compiler's sections nineteen hundred and ninety-two and nineteen hundred and ninety-eight, be and the same are hereby amended so as to read as follows: Sections amended.

(1892.) SEC. 9. If any person by playing at cards, dice, or any other game, or by betting or putting up money on cards, or by any other means or device in the nature of betting on cards, or betting of any kind, shall win or obtain any sum of money, or any goods, or any article of value whatever, such person shall be deemed guilty of a misdemeanor, and on conviction, if the money, goods, or articles so won or obtained be of less value than twenty-five dollars, shall be punished by imprisonment in the county jail not exceeding three months, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment, at the discretion of the court; and if the money, goods, or articles so won or obtained be of the value of twenty-five dollars or over, such person shall, on conviction, be punished by imprisonment for a period not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment, in the discretion of the court; and any person that shall lose any sum of money, or any goods or articles of value, by playing or betting on cards, or by any other device in the nature of such playing and betting, and shall pay or deliver the same or any part thereof to the winner, the person so paying or delivering the same may sue for and recover such money in an action for money had and received, to the use of the Penalty for gambling.
Losses may be recovered in action for money had and received.

plaintiff; and such goods or other articles of value in an action of replevin, or the value thereof in an action of trover, or in a special action on the case.

Penalty for
keeping gaming
room or gaming
table, etc.

(1998.) SEC. 15. Any person who shall for hire, gain, or reward keep or maintain a gaming room, or a gaming table, or any game of skill or chance, or partly of skill and partly of chance, used for gaming, or who shall knowingly suffer a gaming room, or gaming table, or any such game to be kept, maintained or played on any premises occupied or controlled by him, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be punished by fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or both, in the discretion of the court; and any person aiding, assisting, or abetting in the keeping or maintaining of any such gaming room, gaming table, or game shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisonment not exceeding three months, or both, in the discretion of the court.

Approved May 22, 1877.

[No. 172.]

AN ACT relative to the care of persons insane at the expiration of their term of sentence at any of the penal institutions of this State, or the Detroit House of Correction.

Notice to be
given before
insane convicts
are discharged.

SECTION 1. *The People of the State of Michigan enact*, That before discharging any convict at the time of the expiration of his sentence from any of the penal institutions of this State, who may be deemed insane, and so certified by the physician in charge of any such institution, if no relative or friend of [any] such convict appears and takes charge of him, the warden or other superintending officer shall first give notice in writing to the county clerk of the county from which such convict was sent, and to one or more of the relatives or friends of such convict, if known, and also to the probate judge of the county in which such penal institution is located of the fact of his condition; and on the receipt of such written notice said judge shall, within twenty days, issue his warrant to the sheriff of such county, commanding him to receive such convict at the time of his discharge at the said institution, and bring him before such judge.

Probate judge to
issue warrant to
sheriff.

Duty of sheriff
on receipt of
warrant.

SEC. 2. Upon the receipt of such warrant it shall be the duty of said sheriff to whom it is directed to execute the same forthwith, and return the same to the probate judge by whom it was issued.

Proceedings
before judge of
probate.

SEC. 3. On such discharged convict being brought before the judge of probate aforesaid, such judge shall call two respectable physicians, and other credible witnesses, and also immediately notify the prosecuting attorney of his county of the time and place of meeting, whose duty it shall be to attend the examination and act in behalf of the State; and said probate judge shall fully inves-

tigate the facts in the case, either with or without a jury, as to the question of insanity, and if the probate judge certifies that satisfactory proof has been adduced showing him insane, and no relative [relation] or friend of such discharged convict has, in the meantime, appeared and offered to take charge of him, on the certificate of such judge, under the seal of the probate court of said county, he shall be admitted into one of the asylums for the insane in this State, and supported there at the expense of the State until he shall be restored to soundness of mind, or until removed by due process of law, or taken charge of by his relatives or friends. The probate judge in such examination shall have power to compel the attendance of witnesses and jurors, and shall file the certificates of the physicians, taken under oath, and other papers, and enter the proper order in the journal of the probate court in his office. Said probate judge shall report the result of his proceedings to the Board of State Auditors, whose duty it shall be to audit and allow the expenses of such proceedings [proceeding], to be paid by the State Treasurer, on the warrant of the Auditor General: *Provided*, That if such discharged convict shall not be in indigent circumstances, the treasurer of such asylum shall take all necessary proceedings to reimburse the State for his support at such asylum from his property, or such of his relatives as may be liable for his support.

When to be admitted to Asylum at expense of State.

Judge to report to Board of State Auditors.

Expense of proceedings, how paid.

Proviso.

SEC. 4. This act shall take immediate effect.

Approved May 22, 1877.

[No. 173.]

AN ACT to amend section three thousand seven hundred and twenty-six of the compiled laws of eighteen hundred and seventy-one, being section fourteen of "An act for the relief of school districts, as amended by act number one hundred and eighty-three of the session laws of eighteen hundred and seventy-five," approved May first, eighteen hundred and seventy-five.

SECTION 1. *The People of the State of Michigan enact*, That section three thousand seven hundred and twenty-six of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and eighty-three of the session laws of eighteen hundred and seventy-five, approved May first, eighteen hundred and seventy-five, being section fourteen of "An act for the relief of school districts," be and the same is hereby amended so as to read as follows:

Section amended.

(3726.) SEC. 14. Any school districts may, by a two-thirds vote of the qualified electors of said district present at any annual meeting, or special meeting called for that purpose, borrow money, and may issue bonds of the district therefor, to pay for a school-house site or sites, and to erect and furnish school buildings as follows: Districts having less than thirty children, between five and twenty years of age, may have an indebtedness not to exceed three hundred dollars; districts having thirty children of like age may have an

Power of districts to borrow money for erection of school houses, etc.

Amount limited.

Proviso.

Proviso as to
time for which
money is bor-
rowed.

Proviso—board
of inspection at
elections.

indebtedness not to exceed five hundred dollars; districts having fifty children of like age may have an indebtedness not to exceed one thousand dollars; districts having one hundred children of like age may have an indebtedness not to exceed three thousand dollars; districts having two hundred children of like age may have an indebtedness not to exceed eight thousand dollars; districts having three hundred children of like age may have an indebtedness not to exceed fifteen thousand dollars; districts having four hundred children of like age may have an indebtedness not to exceed twenty thousand dollars; districts having five hundred children of like age may have an indebtedness not to exceed twenty-five thousand dollars; and districts having eight hundred children or more of like age may have an indebtedness not to exceed thirty thousand dollars: *Provided*, That in districts having less than thirty children, between five and twenty years of age, the amount voted to be raised by tax for the purposes herein mentioned shall not exceed five hundred dollars in the same year that any bonded indebtedness is incurred as authorized by this section: *Provided further*, That the indebtedness of a district shall in no case extend beyond ten years for money borrowed: *Provided further*, That in all proceedings under this act the acting director, assessor, and one person appointed by the district board, shall constitute a board of inspection, who shall cause a poll list to be kept, and a suitable ballot-box to be used, which shall be kept open two hours, and said ballotings shall be conducted in the same manner as at township elections.

Approved May 22, 1877.

[No. 174.]

AN ACT to amend section seven of chapter nine of act number sixty-two of the session laws of eighteen hundred and seventy-five, approved April one, eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages."

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section seven of chapter nine of act number sixty-two of the session laws of eighteen hundred and seventy-five, approved April first, eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," be amended so as to read as follows:

Assessment.

SEC. 7. The assessor of every village incorporated under this act shall, in each year, make and complete an assessment of all the real and personal property within said village liable to taxation under the laws of this State, and of all the property of any person liable to be assessed therein, in the same manner and within the same time as required by law for the assessment of property in the townships of this [the] State, and in so doing he shall conform to

the provisions of law governing the action of supervisors of townships performing like services, and in all other respects within said village, he shall, unless otherwise in this act provided, conform to the provisions of law applicable to the action and duties of supervisors in townships, in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof.

Approved May 22, 1877.

[No. 175.]

AN ACT to prevent betting upon the result of any political nomination, appointment, or election.

SECTION 1. *The People of the State of Michigan enact,* That any person who shall keep any room or building for the purpose, in part or in whole, of recording or registering bets or wagers, or of selling pools upon the result of any political nomination, appointment, or election, and any person who shall record or register bets or wagers or sell pools on such result, or any person who shall wager any property, money, or thing exceeding one hundred dollars in value on such result, or shall keep or employ any device or apparatus for the purpose of registering or recording bets or wagers, or the selling of such pools, shall be deemed guilty of a misdemeanor, and shall on [upon] conviction thereof be punished by imprisonment in the county jail not more than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Selling pools on election, etc., prohibited.

Penalty for wagering money, etc., exceeding one hundred dollars.

SEC. 2. Any person who shall wager any property, money or thing not exceeding one hundred dollars in value, or shall become the custodian or depository of any money, property, or thing of value, staked, wagered, or pledged, upon the result of any political nomination, appointment, or election, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by imprisonment in the county jail not more than three months, or by fine not exceeding one hundred dollars, or by both such fine and imprisonment.

Penalty for wagering money, etc., not exceeding one hundred dollars.

Approved May 22, 1877.

[No. 176.]

AN ACT to regulate and govern the State House of Correction and Reformatory at Ionia.

SECTION 1. *The People of the State of Michigan enact,* That there shall be maintained in this State a State House of Correction and Reformatory, at Ionia, in the county of Ionia, in which persons, sentenced as hereinafter provided in section twelve, shall be securely confined, employed at labor and disciplined for the purposes of punishment and reformation.

Purposes for which maintained.

OFFICERS.

General super-
vision vested in
Governor.

SEC. 2. The general supervision of the House of Correction shall be vested in the Governor of the State, and he shall visit it semi-annually, or oftener if he deem it necessary. He shall investigate its management, examine its condition, inquire into alleged abuses or neglect of duty, and may in connection with the managers make such changes in the general discipline as he may think proper and best.

Officers of House
of Correction.

SEC. 3. The officers of the House of Correction shall consist of three managers, one warden, who shall be the principal keeper; one deputy warden, one clerk, one treasurer, one chaplain, one physician and surgeon, and as many keepers and guards as the warden and managers may deem necessary. Each of said officers before entering upon the duties of his office shall take and subscribe the official oath prescribed in the constitution, and file the same with the Auditor General.

Oath of office.

Managers
appointed by
Governor.

SEC. 4. The said managers shall be appointed by the Governor with the advice and consent of the Senate, and may be removed by him, which removal, with the causes thereof, shall be reported to the Legislature at the next session. The said managers shall hold their offices for six years unless sooner removed by the Governor, except as to the three first appointed, who shall be so appointed that the official term of one shall expire in two years, and one in four years from the first day of January, one thousand eight hundred and seventy-seven, and on the expiration of the term of office of each, the Governor shall appoint one manager to serve for the full term of six years, or until his successor is appointed and qualified. Appointments to fill vacancies, occurring during the recess of the Legislature shall be limited to the close of the next session, or until a successor shall have been appointed with the concurrence of the Senate and qualified.

Term of office.

Vacancies.

Warden, ap-
pointment
and term of
office.

SEC. 5. The warden shall be appointed by the Governor, with the consent of the Senate, and shall hold his office for the term of two years, and until his successor is appointed and qualified, unless sooner removed by the Governor.

Treasurer, ap-
pointed by board
of managers.

SEC. 6. The treasurer shall be appointed by the board of managers, and shall hold his office during the pleasure of said board, and the deputy warden, clerk, physician, chaplain, teacher, keepers, and all other officers shall be appointed by the warden, with the assent of the managers, and hold their offices during the pleasure of the board.

All other officers
appointed by
warden.

Certain persons
prohibited from
holding office in
institution.

SEC. 7. No manager of the State House of Correction shall be a warden thereof, or be concerned in the business of such agency, or hold any other appointment connected with the institution, and no person shall be appointed manager, warden, deputy warden, treasurer, or clerk, or to any other employment in the institution, who is a contractor in the institution, or agent or employé of such contractor, or who is interested in any business carried on in such institution. And no manager, warden, or any other officer of the institution shall be interested in any contract, purchase or sale for or on account of the House of Correction.

SEC. 8. No officer of the institution shall employ the labor of any inmate upon work in which he or any other officer shall be interested.

When officers prohibited from employing labor of inmates.

SEC. 9. Neither the warden, nor any other officer appointed by the warden and managers, except the treasurer, chaplain, and physician, shall be employed in any business for private emolument, or which does not pertain to the duties of his office.

Officers prohibited from engaging in private business.

SEC. 10. All the officers and necessary attendants shall be, while in the employ of the State as such, exempt from military and jury duties.

Officers exempt from military and jury duties.

SEC. 11. It shall be the duty of the warden and other officers when requested, to admit the managers, or either of them, into every part of the institution, to exhibit to them or either of them on demand, all the books, papers, accounts, and writings pertaining to the institution, or to the business, government, and discipline thereof, and to render them every facility to discharge their duties under this act.

Managers to be admitted to every part of institution.

SEC. 12. From and after the time when the State House of Correction shall have been opened for the reception of offenders, all courts having criminal jurisdiction in Michigan may, in their discretion, sentence all male persons duly convicted of a felony before them, and who shall be at the time of sentence of the full age of sixteen years and not more than twenty-five years of age, and also all persons duly convicted before them of a misdemeanor, where the imprisonment shall not be less than ninety days, to the said House of Correction: *Provided only*, That they shall sentence to the State Prison at Jackson any male convicts within the ages of sixteen and twenty-five years whom they shall sentence for life or for crimes involving that penalty according to law, and such others within the ages above limited convicted of a felony, as in their discretion they shall deem best.

What persons may be sentenced to institution.

Proviso—certain persons excepted.

MANAGERS.

SEC. 13. The managers shall meet at the institution as often as once in each month, and oftener if proper control and management shall require. A majority of members shall constitute a quorum for business. All orders, proceedings, and resolutions of the board shall be entered in full on its journal. At the first meeting after a full board shall have been appointed, the members shall choose one of their number as president, who shall hold the office for one year, or until his successor is elected. The clerk of the institution shall attend their meetings, and keep minutes of their proceedings and of all rules and regulations adopted by them, which shall be recorded in full in a book provided for that purpose, signed by the managers present, and kept in the office of the institution.

Meetings of managers.

Quorum.

Journal.

SEC. 14. It shall be the duty of the managers to make and adopt general rules for the government and discipline of the institution, and of the officers thereof, as shall be necessary and not inconsistent with the provisions of the statute, and from time to time to change and amend them as circumstances may require. In making such rules they shall, so far as practicable and consistent with the

Rules for government of institution and officers.

discipline of the institution, adopt such as shall appear to best conduce to the reformation of the inmates. A printed copy of the rules and regulations shall be furnished to every officer and guard at the time he is appointed and sworn, and so much thereof as relates to the duties and obligations of the inmates, shall be hung up in the shops, cells, and other conspicuous places, as the managers shall direct, and printed in other languages besides the English if it shall be so ordered by the managers. The managers shall, at their regular meeting, examine all the different departments of the institution, and inquire into all matters concerning them, the government, discipline, and police, the punishments and employments of inmates, the books and accounts of the warden, treasurer, and clerk, the money concerns and contracts, the purchases and sales, and whether the inmates are well clothed and fed, and have such educational advantages as shall have been provided for. They shall also inquire into any allegations against the warden or other officers, and for that purpose may issue subpoenas to compel attendance of witnesses and production of papers and writings before them, subject to the same penalties for disobedience as in cases of trial before justices of the peace, and may examine any witness produced before them under oath, the oath to be administered by the president of the board, or by any other member in his absence.

Copy of rules to be furnished officers, guards, and inmates.

Managers at regular meetings to examine into management of institution.

To inquire into allegations against officers.

Regulations as to food, clothing, etc.

Reports of officers to managers.

Annual report of managers to Governor.

Annual inventory of property.

SEC. 15. The managers shall make such regulations in regard to food, clothing, and bedding of the inmates as the health and circumstances of each may require; but all rations, clothing, and bedding shall be plain, of good quality, and in sufficient quantity for the sustenance and well being of the inmates.

SEC. 16. The managers shall annually, and as much oftener as they shall deem necessary, require reports from the warden and other officers of the institution in relation to all matters connected with the business, discipline, moneys, and property of the institution, and with the conduct and employment of the inmates, and they shall, on or before the thirtieth day of November in each year, transmit to the Governor a report, made up to the close of the current fiscal year, showing the condition of the institution, with a detailed statement of its receipts and expenditures, estimates for expenses for buildings, repairs, and all other purposes for the next succeeding year, the number of officers, with their several salaries, the contracts for the employment of inmates during the year, the name of each contractor, the number of inmates employed by him, the price paid for their labor, the whole number of inmates in the institution, and the whole number received during the year, with names of the counties from whence they came, and the crimes of which they were convicted; the number discharged, died, escaped, or pardoned, with such other facts and suggestions as may fully exhibit the entire workings of the institution during the year.

SEC. 17. The managers shall cause a full inventory of all the machinery, fixtures, goods, and property of every description belonging to the State in and about the institution to be made in each year at the time of making their annual report, and said property

shall be appraised on oath by two disinterested and competent appraisers, to be appointed for that purpose by said managers, and a copy of such inventory and appraisal, and the annual reports of the warden and treasurer as hereinafter provided, shall be appended to the annual report of the managers.

SEC. 18. The managers shall be allowed for their services Pay of managers. respectively three dollars for each and every day actually and necessarily occupied in the inspection and management of the institution, and their actual traveling expenses in going to and from the institution, to be verified on oath, and paid by the State Treasurer on the warrant of the Auditor General.

SEC. 19. The warden and all other officers and keepers of the institution, except the treasurer, shall reside or board within the Officers to board within House of Correction. said House of Correction, in apartments to be assigned them by the managers, and subject to such regulations as they shall provide and establish; but the managers may in special cases make exceptions to this requirement, which must not include the warden or deputy warden.

WARDEN.

SEC. 20. The warden shall be in constant attendance at the institution except when absent on necessary duty, in which case his To be in constant attendance. duty during his absence shall be performed by the deputy, and in no case shall the warden and deputy warden be absent from the institution at the same time. Before entering upon his duties the Bond. warden shall execute to the people of this State a bond, with two or more sufficient sureties, in the penal sum of twenty thousand dollars, conditioned that he shall faithfully account for all money and property that may come into his hands by virtue of his office, and perform all duties incumbent upon him as such warden according to law; which bond shall be approved by the managers and filed in the office of the Auditor General.

SEC. 21. The warden shall also keep a daily journal of proceedings of the institution, in which he shall note every infraction of To keep daily journal. rules by any officer or guard thereof which shall come to his knowledge; and make memorandum of every complaint made by any inmate of cruel or unjust treatment from his overseer or other officer of the institution, or from a contractor or employé of a contractor, or a want of good and sufficient food or clothing, and also every infraction of rules by any inmate, naming him and specifying the offense, and also what punishment and the extent thereof was awarded, which journal shall be laid before the managers at every stated meeting, and at every special meeting when demanded.

SEC. 22. It shall be the duty of the warden, under the rules Duty under rules for government of institution. adopted by the board of managers for the government of the institution,—

First, To exercise a general superintendence over the government, discipline, and police of the institution, and to superintend General superintendence. all the business concerns thereof;

Directions to inferior officers.	<i>Second,</i> To give directions to all the inferior officers, keepers, and guards, and to examine whether they have been careful and vigilant in their respective duties;
Health of institution, etc.	<i>Third,</i> To examine into the state of the institution and the health, conduct, and safe-keeping of the inmates;
Employment of inmates.	<i>Fourth,</i> To use every proper means to furnish employment to the inmates, most beneficial to the State, and best suited to their several capacities;
Superintend manufacturing.	<i>Fifth,</i> To superintend any manufacturing mechanical business that may be carried on by the State pursuant to laws within the institution, to receive the articles manufactured, and to sell and dispose of them for the benefit of the State;
Charge of real and personal estate.	<i>Sixth,</i> To take charge of the real and personal estate attached to the institution;
Complaints of inmates.	<i>Seventh,</i> To inquire into the justice of any complaints made by inmates relative to their provisions, clothing, or treatment;
General charge of institution.	<i>Eighth,</i> And generally to have charge of all the departments of the institution and its officers, as its executive head. And he shall have power to administer any oath required by this act to be made.
To keep accurate account of all business transactions.	SEC. 23. The warden shall, under the direction of the managers, and in proper books furnished for that purpose, cause to be kept in his office a full and accurate account of all business transactions of the institution, including an account with the treasurer; and he shall pay over to the treasurer all moneys of the institution which may come into his hands from any source.
Monthly statement.	SEC. 24. The warden shall make out and render to the managers for each month a full and accurate statement and account of all moneys received by him from every source by virtue of his office, including all moneys taken from inmates, or received as the proceeds of property taken from them, and [of] all sums paid to the treasurer by him, with the vouchers therefor, and stating also the balance in his hands at the time of rendering such account.
Yearly report.	SEC. 25. The warden shall on the thirtieth day of September, or within twenty days thereafter, in every year, make and deliver to the managers of the prison a report exhibiting a complete and comprehensive view of the transactions of the institution during the preceding year, stating the number of inmates confined therein, their various occupations, the number employed in each branch of labor, and the profit or loss if any arising to the State therefrom, also a full and true account of all moneys received by him or charged to the treasurer on account of the institution, and of all orders or warrants drawn upon the treasurer of the institution together with such other particulars as the managers shall require.

TREASURER.

Bond.

SEC. 26. The treasurer shall not enter upon the duties of his office until the managers shall have approved a bond executed by him as principal, and with two or more sureties, in the penal sum of twenty thousand dollars, conditioned upon the faithful accounting for all money or other property that may come into his hands

by virtue of his office. Such bond when approved shall be filed in the office of the Auditor General.

SEC. 27. The treasurer, under the direction of the managers, shall be the only custodian of all moneys of the institution. He shall neither receive nor expend money on account of the institution except on properly accreditd vouchers. He shall keep full and accurate accounts of the receipts and disbursements, in the manner directed by the managers, and such other accounts as they may prescribe. He shall make for the managers a monthly abstract of receipts and expenditures, which shall be compared with his books and vouchers and verified by the books and papers in the warden's office; and at the close of each fiscal year he shall report in full the transactions of his office during the preceding twelve months. He shall further render an account of the state of his accounts, and of the funds and other property in his custody whenever required to do so by the managers.

Duties as to moneys of the institution.

Monthly abstract.

Yearly report.

SEC. 28. The treasurer shall be provided with proper books in which to keep his accounts, which shall at all times be open to the inspection of the managers, Governor, and all other officers who may be authorized to examine the accounts or business of the institution, or who may be designated by the Governor or managers for such examination.

Accounts to be kept open to inspection.

CLERK.

SEC. 29. The clerk of the prison, before entering on his duties, shall execute a bond to the people of the State, with sufficient sureties to be approved by the managers, in the penal sum of ten thousand dollars, conditioned that he will keep a true and honest record of the accounts of the institution and pay over to the warden all moneys belonging to the same that may come into his hands as such clerk, and will faithfully discharge all the duties of his office as prescribed by law and the regulations of the institution, which bond shall be filed in the office of the Auditor General.

Bond.

SEC. 30. It shall be the duty of the clerk of the house of correction:

Duties.

First, To attend at the institution daily during the proper business hours, unless by the direction of the manager or the warden if he is otherwise engaged in business on account of the institution, or granted leave of absence by the warden;

Daily attendance.

Second, To keep the books and accounts of the institution in such a manner as to exhibit clearly all the financial transactions relating to it; to also keep a register of the inmates, in which shall be entered in the order in which they are received the name of each, the crime of which convicted, the date of conviction, the date of the receipt at the institution, term of sentence, from what county, and by what court sentenced, place of nativity, age, occupation, complexion, stature, number of previous convictions, and whether previously confined in a prison in this or any other State, together with when and how discharged. The managers may require such additional facts to be stated on the register as they deem proper;

Keep books and accounts.

Register of inmates, etc.

To do writing
required.

Third, To do all such writing as may be required of him by the managers and warden relating to the affairs of the institution.

CHAPLAIN.

Duty.

SEC. 31. It shall be the duty of the chaplain of said house of correction :

To perform
religious servi-
ces.

First, To perform religious services in the institution, under such regulations as the managers may prescribe, and to attend to the spiritual wants of the inmates ;

To visit inmates.

Second, To visit the inmates in their cells for the purpose of giving them moral and religious instruction ;

To furnish bible,
prayer books,
etc., to inmates.

Third, To furnish with the approval of the warden at the expense of the State, a bible of such version as the inmate may choose, and a prayer book of such kind as the inmate may choose, and such other reading matter as the managers may direct.

Charge of library.

Fourth, To take charge of the library ;

Visit sick.

Fifth, To visit daily the sick in the hospital ;

Annual report.

Sixth, To make annual report to the managers for each year, ending the 30th day of September, relative to the religious and moral conduct of the inmates during such year ; stating therein what services he has performed, and the results of his instruction, together with any other facts relative to said inmates which he may deem proper to report ;

To conduct
funeral services.

Seventh, To conduct funeral services at the burial of each inmate who shall die in the institution, and the warden shall as soon as practicable, after the death of an inmate, fix a time for such service, and immediately notify the chaplain, that he may be prepared to officiate thereat.

TEACHER.

Appointment
and duties.

SEC. 32. The warden, with the approval of the managers may, when it becomes necessary, appoint a teacher, whose duty it shall be to aid the chaplain, under the authority of the warden, to instruct the inmates or such classes of them as the managers shall direct, in such branches of English education as the managers shall designate, and to such extent as to frequency of lessons, and time spent thereon, as the said managers shall require. And it shall be the duty of the chaplain by the 30th day of September in each year, to make a report to the managers of the extent of his labors, their apparent results, and with such suggestions as he shall deem important.

PHYSICIAN.

Duty.

SEC. 33. It shall be the duty of the physician of the institution

Attend sick.

First, To attend at all times to the wants of the sick inmates, whether in the hospitals or in their cells, and to bestow upon them all necessary medical service ;

Examine cells.

Second, In company with the hall master, to examine weekly the cells of the inmates, ascertain their state of cleanliness and ventilation, point out any defects in these particulars to the warden, and report in writing their condition monthly to the managers, or oftener if he deem necessary ;

Third, To prescribe the diet of sick inmates, and his directions in relation thereto shall be strictly followed, and to be present and superintend all corporeal punishments which may be inflicted in the institution ;

Diet of sick inmates, etc.

Fourth, To keep a daily record of all admissions to the hospital, the disease for which admitted, and of cases treated in the cells or elsewhere, giving color, nativity, age, occupation, habits of life, crime, period of entrance and discharge from the hospital ;

Daily record of admission to hospital.

Fifth, To make a yearly report to the managers of the sanitary condition of the institution during the year, which report also shall contain a condensed statement of his daily record.

Yearly report.

Sixth, To make all such other reports as the managers may from time to time require.

Reports required by managers.

SEC. 34. The physician shall be a keeper, and it shall be his duty to examine inmates claiming to be unable to labor by means of sickness or otherwise ; and if in his opinion such inmate is thereby unable to labor, he shall certify the same immediately to the warden, and such inmate shall be relieved from labor and admitted to the hospital, or placed in his cell or elsewhere, for medical treatment, as said physician shall direct, having due regard for the safe keeping of said inmate ; and he shall not be required to labor so long as in the opinion of said physician such disability shall continue ; and whenever said physician shall certify to the warden that such inmate is sufficiently recovered, said person shall be required to labor, but not before.

Examination of inmates claiming to be unable to labor.

SEC. 35. The necessary medicines and other hospital stores for the use of the institution shall be purchased from time to time by the warden of the institution, with the advice of the physician and the direction of the managers.

Hospital stores, how purchased.

SALARIES.

SEC. 36. There shall be paid monthly, at the office of the House of Correction, to the officers thereof, the following annual salaries, to wit :

To be paid monthly.

To the warden, fifteen hundred dollars. The warden shall, in addition to his salary, be allowed the use of such apartments as the managers shall provide ; also fuel, lights, and provisions for his family, from stock provided for the institution. And no other officer or other person employed in or about the institution shall be permitted to receive in any way perquisites, emoluments, or supplies, other than the compensation allowed by law. The managers shall make all necessary regulations for the officers and employes being messed and boarded in the institution, at a price to be charged them, not less than the cost thereof, and for that purpose shall furnish lodging rooms, furnished in a plain and substantial manner, and supply provisions from the House of Correction stock, which shall be prepared and cooked by the labor of the inmates, and served at such time and at such place as the managers shall direct, under the authority of the warden. To the deputy warden, one thousand dollars ; to the treasurer, a sum not exceeding five hundred dollars ; to the clerk, one thousand dollars ; to each of

Warden.

Officers not allowed to receive perquisites, etc.

Regulations for boarding officers in institution.

Deputy warden.

Treasurer and clerk.

Keepers and
physician.
Chaplain.
Teachers and
employees.

the keepers, a sum not exceeding six hundred dollars; to the physician, not exceeding six hundred dollars; to the chaplain, not exceeding one thousand dollars; to the teacher, and other employes of the institution shall be paid monthly such compensation as the managers shall deem just, and shall direct.

INMATES.

Hours of employ-
ment.

SEC. 37. All inmates in the House of Correction, except such as are confined in solitude for misconduct in the institution, shall be kept constantly employed at hard labor at an average of not to exceed ten hours per day, Sundays excepted, unless incapable of labor by reason of sickness or infirmity; and such inmates may at all times, except when employed at labor under the rules adopted by the managers, be visited by any religious teacher or pastor of their own choice or religious belief, subject to such reasonable general rules and regulations, applying to all alike, as may be adopted by the managers.

To be kept singly
in cells.

SEC. 38. Whenever there shall be a sufficient number of cells in the institution, it shall be the duty of the warden to keep each inmate singly in a cell at night, and also during the day-time when unemployed, if he shall find it necessary.

Discipline.

SEC. 39. The keepers shall preserve proper discipline among the inmates under their charge, and the warden or deputy warden may punish inmates for misconduct under such regulations as shall be adopted by the board of managers: *Provided*, That no punishment by showering with cold water, or whipping with the lash on the bare body, nor any other brutal or inhuman punishment, shall be allowed. The warden or deputy warden shall, as soon as the next day after inflicting punishment, enter in a book to be kept for that purpose a record thereof, signed by him, stating the offense and the kind and the extent of the punishment inflicted.

Attempt to
escape, violence
to officers, etc.

SEC. 40. When convicts, combined or singly, shall offer violence to any officer or guard of the prison, or to any other convict or person, or do or attempt to do any injury to the building or any appurtenances thereof, or attempt to escape, or resist or disobey any reasonable command, the officers of the prison shall use all suitable means to defend themselves, to enforce discipline, to secure the offenders, and prevent such attempt to escape.

Use or sale of
liquors prohib-
ited.

SEC. 41. No spirituous or fermented liquor shall be sold or given to inmates in the House of Correction, or bought [brought] or harbored on the land granted to the State for the use of the institution, and no such liquors shall be used by any convict, employé, or any other person in the prison, unless he is sick, and then only as directed by the physician of the institution: *And it is further provided*, That no sheriff or other person shall sell to or furnish any person under sentence, whom he may have in charge to convey to the House of Correction, any spirituous or fermented liquors.

Proviso.

UNIFORM.

Of officers.

SEC. 42. Each officer of the prison shall wear such uniform to indicate his position as the managers shall direct.

GOOD CONDUCT.

SEC. 43. The board of managers shall establish a scale of debits and credits for misconduct or good conduct, which shall be a part of the rules and discipline of the reformatory, and in a book kept for that purpose shall cause to be entered up at the end of each month the total credits to which each inmate may be entitled, which the warden shall cause to be announced on the first day of each month, by card or otherwise, to each inmate.

Board to establish scale of debits and credits.

SEC. 44. The warden shall keep a record of each and all infractions of rules of discipline by inmates, with the names of the persons offending, and the date and character of each offense, which record shall be placed before the managers at each regular meeting of the board, and every inmate who shall have no infraction of the rules or laws of the State recorded against him shall be entitled to a deduction for each year of his sentence, and *pro rata* for each part of a year, when the sentence is for more or less than one year, as follows: From and including the first year up to the third year, a deduction of two months for each year; from and including the third year up to the fifth, a deduction [reduction] of seventy-five days for each year; from and including the fifth up to the seventh year, a deduction of three months for each year; from and including the seventh year up to the tenth year, a deduction of one hundred and five days for each year; from and including the tenth year up to the fifteenth year, a deduction of four months for each year; from and including the fifteenth year up to the twentieth year, a deduction of five months for each year. For every violation of rules and discipline, or want of fidelity and care in the performance of work, the inmate shall forfeit all gained time and earnings for the month in which the delinquency occurs; but according to the aggravating nature or frequency of his offense, the board of managers may deduct a portion or all of his previously saved time and money, or either of them. And if an inmate shall pass the entire period of his sentence without any violation of the rules, he shall be entitled to a certificate thereof by the warden. If any inmate is prevented from labor by sickness or infirmity, as certified by the physician, and his conduct has been good, he shall be entitled to a deduction of two and a half days each month from his sentence. If any inmate is unable to earn anything by reason of sickness or infirmity during his confinement, and his conduct has been good, the board may allow him a sum not exceeding fifteen dollars on the expiration of his sentence.

Record of infractions kept by warden.

Deductions from sentence.

Forfeiture of gained time.

Allowance in case inmate is sick.

CONTRACTS.

SEC. 45. Whenever the managers shall direct a contract to be made for letting and hiring the labor of the inmates, it shall be the duty of the warden, under the direction of the managers, to make such contracts in the following manner:

Manner of making contracts.

First, He shall cause to be printed in one daily or weekly paper, published at Ionia, and one daily paper published in the city of Detroit, and one daily paper published in the city of Grand Rapids,

Advertisement for sealed proposals.

Designation of articles to be manufactured.
What bids shall specify.

Bond to accompany bid.

Opening and award on bids.

In case bids not in accordance with interests of House of Correction.

Contracts to be in writing approved by managers.

Reservations to be inserted in contract.

Lien of State on machinery, etc.

for at least three successive weeks previous to the time of letting the labor of the inmates, an advertisement stating that sealed proposals will be received therefor, and specifying the number of persons whose labor is to be let, the length of time, which shall not exceed ten years, and the last day on which bids will be received ;

Second, The managers may, in their discretion, designate what articles or class of articles shall be manufactured ;

Third, Each bid shall specify each article to be manufactured, and the number of square feet of shop-room that will be required ;

Fourth, Each bid shall be accompanied by a bond with sufficient sureties approved by the managers, and for such sum as they shall direct, conditioned that in case the bid is accepted by the warden the bidder will, on entering into a contract, execute a bond, with two or more sureties, in a sum satisfactory to the managers, for the faithful performance of such contract on his part, and no bid or proposal shall be received otherwise ;

Fifth, The bids shall be opened by the warden in presence of the managers at their next meeting after the last day specified for receiving bids, and the contract shall be awarded to the highest bidder, if the bid in the judgment of the managers shall be a fair and reasonable price for the labor ;

Sixth, If the bids made in pursuance of the advertisement, as provided for above, are not in accordance with the best interests of the House of Correction, and of the State, in the judgment of the managers, the warden may decline to close the contract, and proceed again in the same manner, under the direction of the managers, to advertise the letting of contracts until the same shall be successful ;

Seventh, The contracts made by the warden shall be in writing and approved by the managers, or a majority of them, and one copy shall be filed in his office, and executed by the warden when the bond given for the performance of its conditions shall have been approved by the managers ;

Eighth, There shall be inserted in every contract, that the State shall retain the right of control over the inmates, through its officers, and reserves the right to govern the inmates, and to change the disciplinary rules, and to forbid any work or manner of doing the same that is injurious to health, or dangerous to the persons of the inmates. And the managers shall also reserve so much of the time of the inmates as they may deem proper for imparting instruction. And the warden, under the direction of the managers, may exclude from the premises of the House of Correction any contractor, his agent, or employé, who may be guilty of a violation of the rules of the institution ;

Ninth, The said contracts shall also provide that the State shall have a lien upon the machinery, stock, and tools of the contractors, who are or may be within the workshop or yard of the institution, for all moneys due or to become due for labor, and authorizing the warden at any time after such moneys become due to detain such property, and to advertise and sell the same, by giving at least four

weeks' notice in four daily papers published in the State, prior to such sale, two of which shall be published in the city of Detroit. And the surplus money, if any, arising from such sale, after paying what is due to the State, shall be paid to the contractor or contractors to whom the property belongs.

INMATES NOT ON CONTRACTS.

SEC. 46. All inmates not employed on contracts may be employed by the warden with approval of the managers, in work for the State, in such manner as he shall think advantageous, or they may be temporarily hired, which hiring shall terminate whenever their labor shall be required on contract. Employment by warden.

SEC. 47. If the warden shall be unable to let the labor of the inmates on contract at reasonable rates, so that any considerable number are without employment, he may, under the direction of the managers, with the approval of the Governor, prepare shop room, and procure simple and inexpensive machinery and material, and employ such persons in the manufacture of articles as in the opinion of the managers can be made to advantage and profit for the benefit of the State, such machinery and materials to be paid for by the Treasurer out of any money in his hands belonging to the State. Idem.

AIDING CONVICTS TO ESCAPE.

SEC. 48. Any person supplying a convict who may be employed outside the prison, with weapons, money, or clothing, or disguises, with intent to assist him to escape from custody, or who shall in any way assist such inmate to escape, shall be liable upon conviction, to the same punishment as though said act had been within the walls, and every such inmate who shall escape, and every person aiding such escape, shall be liable to the same penalties as though he had broken out and escaped, or assisted in such breaking or escape. Punishment for.

SEC. 49. In case of pestilence or contagious disease in the institution, the managers may cause the inmates to be removed to a place of security, and such as are sick shall have the proper care and medical attendance, and as soon as it may be safe they shall all be returned to the institution. Whenever the House of Correction shall be on fire and there shall be reason to apprehend that the inmates are thereby in danger, or may be liable to escape, the warden may remove them to a safe place and there keep and guard them so long as necessary. Removal of inmates in case of contagious diseases.

SEC. 50. If an inmate of the institution is regarded as an important witness in behalf of the people of this State or for the defendant upon any criminal prosecution, it shall be the duty of any officer authorized by law, to allow writs of *habeas corpus* upon the affidavit of the prosecuting attorney in the case, that such person is an important witness, to grant a *habeas corpus*, for the purpose of bringing such person before the court. And in every such case he shall be securely kept in the jail of the county to which he shall have been removed, subject only to be taken into In case of fire.
Inmate may be brought before court as witness on writ of habeas corpus.

court to testify, and after his testimony he shall be by the sheriff of the county, forthwith returned to the House of Correction to serve out his time. If any person escaping from the Reformatory shall be retaken, he shall remain in the institution a sufficient length of time after the term of his sentence would have expired if he had not escaped, to equal the period of time he may have been absent by reason of such escape.

Duty of warden
when person
escapes.

SEC. 51. Whenever any person shall escape from the institution it shall be the duty of the warden to take all proper measures for his apprehension, and for that purpose he may offer a reward, not exceeding one hundred dollars, for his apprehension and delivery at the prison, but with the consent of the board of managers such reward may be increased to a sum not exceeding three hundred dollars, which with other sums of money necessarily paid for advertising and apprehending convicts, shall be audited by the Auditor General and paid out of the State treasury.

Property of per-
sons sentenced.

SEC. 52. It shall be the duty of the warden to take charge of any property the person sentenced may have with him on entering the institution, and shall, if money, pass it to the credit of the inmate, and if the sum exceed twenty dollars, interest at the rate of five per cent shall accrue for the inmate's benefit or his representatives. The warden shall keep a correct account of all such property, and pay the amount, or the proceeds thereof, or return the same to the person when discharged, or to his representatives in case of his death without being released. If no legal representative shall demand the property within five years, then it shall be applied to the use of the State. If any person escape from the institution, the money or other property of such person in the hands of the warden and treasurer, shall at once be forfeited to the State.

What to be fur-
nished by war-
den when person
is discharged.

SEC. 53. When any person shall be discharged from the institution by pardon or otherwise, the warden shall furnish such inmate with clothing, if he be not already provided for, not exceeding ten dollars in value, and a sum of money not exceeding ten dollars, as the warden may deem necessary and proper. The warden shall also cause to be paid to the inmate such sum as shall be due him on account of overwork for contractors, and such sums as shall have in any way accrued to the inmate under the regulations of the institution.

Persons allowed
to visit House of
Correction.

SEC. 54. The following persons shall be allowed to visit the House of Correction at pleasure, namely: The Governor and Lieutenant Governor, members of the Legislature, State officers, judges of courts, commissioners of State institutions, sheriffs, and prosecuting attorneys, and officiating ministers of the gospel; and no others except by special permission of the warden, under regulations provided by the managers, who shall prescribe uniform rules; and they may prescribe a reasonable sum not exceeding twenty-five cents for each admission, and for this purpose may provide tickets of admission, which shall be sold by the clerk, and collected by the keeper at the entrance to the convict department, a full and correct

Regulations for
visiting.

account of which sale and collection of tickets shall be kept under the direction of the managers, which shall be each day recorded in a book kept for that purpose; and it shall be the duty of the managers to appropriate annually from the fund so collected a sum not exceeding five hundred dollars for the purchase of books for the library of the institution.

SEC. 55. No person, without the consent of the warden, shall bring into or carry out of the reformatory any letter or writing, or any information to or from an inmate, and whoever shall violate the provisions of this section shall be deemed guilty of a misdemeanor.

Letters to inmates, etc.

SEC. 56. It shall be the duty of the sheriff of any county in which a convicted person shall be sentenced to the House of Correction, as soon as practicable after the passing of sentence, to convey the person so sentenced thither, and deliver him to the warden.

Sheriffs to promptly convey persons convicted.

SEC. 57. The court imposing such sentence shall in each case furnish to the sheriff or other proper officer a copy of the complaint, information, or indictment upon which the conviction is had, a statement of the defendant's plea, the names and residences of the witnesses sworn in the case, an abstract or copy of the testimony given, the sentence rendered, and the date thereof; which copy, statement, and abstract, signed by the clerk of the court, shall be delivered with the defendant to be conveyed to the said House of Correction, and such copy, statement, and abstract, signed by the clerk of the court, shall be *prima facie* evidence against the convicted person in all proceedings for the release of said person by a writ of *habeas corpus* or otherwise.

What to be furnished to sheriff by court.

SEC. 58. The fees and actual expenses of the sheriffs in conveying persons to the House of Correction shall be presented in a bill containing the items thereof to the warden when [the] prisoner is delivered at the institution. The warden shall certify on the bill that the person has been received, and the bill, including the sheriff's actual expenses in returning to the county from which the person was sent, which shall be audited by the Auditor General and paid from the State Treasury. The sheriff shall be authorized to include in the said bill the sum of three dollars per day for the time actually and necessarily employed in the said service.

Expenses for conveyance of persons, how paid.

SEC. 59. All the fiscal transactions and dealings on account of the institution shall be conducted by and in the name of the warden, who shall be capable in law of suing and being sued in all courts in matters concerning said institution, by his name of office; and by that name he is hereby authorized to sue for and recover all sums of money or any property due to any former agent or to the warden of said House of Correction, or to the people of this State, on account of said institution. When a controversy arises as to any contract made by the warden on account of the reformatory, or a suit is pending thereon, the warden may, with the written approval of the managers, submit the same to the final determination of arbitrators or referees.

Fiscal transactions to be conducted in name of warden who may sue and be sued.

Books of account,
registers, etc.,
public property.

SEC. 60. All books of account, registers, and other documents and papers relating to the institution shall be considered public property, and shall remain therein; and the warden shall preserve at least one set of copies of all reports made to the Governor respecting said institution, and a set of similar reports in relation to the institutions of other States, so far as he shall be able to obtain them; and to accomplish this, there shall be printed annually for the use of the House of Correction one hundred extra copies of the annual report of the warden, treasurer, and managers, which shall be supplied to the warden for exchange with other similar institutions, and he shall transmit annually to each of the penal institutions in other States one copy of such report.

Printing and distribution of
annual report.

Copy of receipts
sent to Auditor
General.

SEC. 61. The warden and deputy warden shall see that rigid economy is practiced in all matters of the institution, and in the employment of the persons confined, and that duplicate receipts be taken for all expenditures, one copy of which shall be sent to the Auditor General's office monthly.

Warrants on
State Treasurer,
how drawn.

SEC. 62. Warrants on the State Treasurer shall be drawn by the Auditor General, payable to the treasurer of the House of Correction, for the sums appropriated to the use of said institution, from time to time as provided by act number one hundred and forty-eight of the session laws of eighteen hundred and seventy-three.

Auditing bills.

SEC. 63. It shall be the duty of the managers to examine and audit, before payment, all bills and accounts of the institution at least monthly, to enter a strict account of the same in their books, and after the same shall have been examined, entered, and audited, they shall be transmitted by the managers to the Auditor General.

Warrant of
Auditor General.

Limit of amount
drawn.

SEC. 64. The Auditor General is required to draw his warrant on the Treasurer for such sums as the managers of the House of Correction shall from time to time direct; but such sums so drawn at any one time shall not exceed two thousand dollars; and no further sum shall be drawn until satisfactory vouchers are presented to and allowed by the Auditor General for the amount previously drawn.

Acts repealed.

SEC. 65. All acts and parts of acts contravening any of the provisions of this act are hereby repealed.

SEC. 66. This act shall take immediate effect.

Approved May 22, 1877.

[No. 177.]

AN ACT to amend the fifth and ninth clauses of section nine of article two and section ten of article four of act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State," approved May first, eighteen hundred and seventy-three.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* section nine of article two and section ten of article four of act

number one hundred and ninety-eight, of the session laws of eighteen hundred and seventy-three, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State," approved May one, eighteen hundred and seventy-three, be amended so as to read as follows:

SEC. 9. Every such corporation shall possess the general powers, and be subject to the liabilities and restrictions following, that is to say:

First, To cause such examinations and surveys for the proposed railroad to be made as may be necessary to the selection of the most advantageous route for the road, and for such purposes, by its officers, agents, and servants, to enter upon lands or waters of any person or company, but subject to liability for all damages which they shall do thereto;

To make surveys.

Liability for damages.

Second, To receive, hold, and take such voluntary grants and donations of real estate and other property as shall be made to it to aid in the construction, maintenance, and accommodation of such road, but the real estate thus received by voluntary grant, shall be held and used for the purposes of such grant only;

To receive grants of property.

Third, To purchase and, by voluntary grants and donations, receive and take and, by its officers, engineers, surveyors, and agents, enter upon and take possession of, hold and use all such lands and real estate, franchises and other property as may be necessary for the construction, maintenance and accommodation of its railroad and stations, depots and other accommodations; but the same shall not be appropriated until the compensation to be made therefor is agreed upon by the parties, or ascertained as herein prescribed, be paid to the owners, or deposited as herein-after directed, unless the consent of such owner be given therefor;

To purchase and hold property for constructing road, etc.

Fourth, To lay out its road, not exceeding one hundred feet in width, and to construct the same, and, for the purpose of cuttings or embankments, and procuring stone, gravel, or other material, [or] for the purpose of draining its road-bed, to take, in the manner herein provided, such further lands adjacent and in the vicinity of its road as may be necessary for the proper construction, operating, and security of its road;

To lay out and construct road.

Fifth, To construct its road upon or across any stream of water, water-course, private road, street, lane, alley, or highway, and across any plank-road, railroad, or canal which the route of its road shall lie along or intersect; but the corporation shall restore the stream, water-course, private road, street, alley, lane, highway, plank-road, railroad, or canal to its former state, as near as may be, but shall not materially obstruct the navigation of any stream, nor obstruct any public highway or street by cars or trains, for more than five minutes at any one time; and shall construct suitable road and street crossings for the passage of teams by fitting down planks between and on each side of the rails of such road, the top of which shall be at least as high as the top of the rails of

Construction across streams, roads, canals, etc.

Construction upon streets etc.

such road; and in case of the construction of such railway upon any public street, lane, alley, or highway, the same shall be on such terms and conditions as shall be agreed upon between the railroad company and the common council of any city, or the village board of any village, or the commissioners of highways of any township in which the same may be; but such railway shall not be constructed upon any public street, lane, alley, highway, or private way until damages and compensation be made by the railroad company therefor to the owner or owners of property adjoining such street, lane, alley, highway, or private way, and opposite where such railroad is to be constructed, either by agreement between the railroad company and each owner or owners, or ascertained as herein prescribed for obtaining property or franchises for the purpose of its incorporation, to be paid to the owner thereof, or deposited as hereinafter directed;

To unite, etc., with other roads.

Sixth, To cross, join, and unite its railroads [railroad] with any other railroad now or hereafter constructed, under any law whatever, at any point on its route, and upon the grounds of such other railroad now or hereafter constructed, with the necessary turnouts, sidings, and switches, and other accommodations and conveniences in furtherance of the objects of its connections; and to make all such business arrangements as said companies may agree upon.

Companies shall unite to form connections.

And every company whose railroad shall be intersected by any other railroad shall unite with the owners of such other railroads in forming such intersections and connections, and grant facilities for the same, as hereinafter provided;

Transport persons, etc.

Seventh, To take, transport, carry, and convey persons and property on their said road, by the force and power of steam, animals, or any mechanical power, or by any combination of them, and to receive tolls and compensation therefor: *Provided,* That in transporting freight by the car loaded by the shipper, and unloaded by the consignee, no railroad company shall charge for transporting each of such cars more than eight dollars for any distance not exceeding ten miles, nor more than fifty cents per mile for the second ten miles, nor more than twenty-five cents per mile for the third ten miles; and for distances exceeding thirty miles, in no case shall the charge between any two points on the said railroad exceed the minimum charge on the entire line. This provision shall not apply to the Upper Peninsula nor to any company operating less than fifteen miles of railroad.

Proviso.

To erect depots, etc.

Eighth, To erect and maintain all necessary and convenient buildings, stations, depots, and fixtures, and machinery for the accommodation and use of their passengers, freight, and business, and to obtain and hold all the lands necessary therefor;

To regulate time and manner of transportation and compensation.

Ninth, To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor; but such compensation for transporting any passenger and his or her ordinary baggage, not exceeding in weight one hundred pounds, shall not, except on railroads operating less than twenty miles of road, exceed the following prices, viz.: For

a distance not exceeding five miles, four cents per mile; for all other distances not exceeding three cents per mile; and no fare shall be less than five cents, and that amount in any case may be charged and collected; and the price of tickets may, for convenience in making change, be fixed for that multiple of five which is nearest the exact amount of the fare in each case, as fixed by the foregoing rates: *Provided*, That in the Upper Peninsula five cents per mile may be charged and collected on all railroads: *And provided further*, That the provisions of this act shall not apply to the Paw Paw railroad.

Proviso relative to Upper Peninsula.

Further proviso.

SEC. 2. Section ten of Article IV. is hereby amended so as to read as follows:

Section amended.

SEC. 10. Any person who shall, while riding in the car either of a freight or passenger or other train, on any railroad in this State, use or utter indecent, obscene, or profane language in the hearing of other passengers, or riotously or boisterously conduct himself or herself to the annoyance of other passengers, or who shall obtain any money or property from any passenger or person in such car by means of any game or device, or attempt so to do, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail for a period not exceeding ninety days, or both, in the discretion of the court. Railroad conductors are hereby invested with the powers of sheriffs and constables in regard to offenses under this section occurring upon trains or cars in their charge, and are empowered to arrest and detain any person violating any of its provisions until the car or train shall arrive at some usual stopping place, where a sheriff, deputy, or under sheriff of any county, or constable, or marshal, or policeman of any city or village in this State may be, to whose custody he may deliver such offender, with a written statement specifying generally in what respect such person has misbehaved; or if there be no such officer present to receive the offender, the conductor may deliver him to the ticket or freight agent at such stopping place, with such statement, who shall detain the offender in his custody, and may exercise the powers of sheriffs and constables in regard to persons charged with crimes in doing so, until such officer may be obtained to take charge of the offender, to whom he shall be delivered, with such statement made by the conductor, and such officer shall take the person so offending into custody, and it shall be his duty to institute a complaint against such person for such offense before a justice of the peace in his county, and such justice shall have jurisdiction to try such offender, and to impose the judgment authorized by this section.

Penalty for disorderly conduct, etc.

Conductors invested with powers of sheriffs, etc.

To deliver prisoner with written statement.

Duty of officer to institute complaint.

Approved May 22, 1877.

[No. 178.]

AN ACT to provide for the establishment, government and control of union work-houses and alms-houses.

Cities or counties authorized to erect, etc.	SECTION 1. <i>The People of the State of Michigan enact</i> , That any number of cities or counties may, at their joint charge, and for their common use, erect or provide a work-house, alms-house, or poor-house, and purchase land for the use thereof; which, at their option, may take the place of their county poor-house.
Board of directors, powers, etc.	SEC. 2. The ordering, governing, and repairing of such house and farm, the appointment of a superintendent and necessary assistants, and the power of removing them for misconduct or incapacity or other sufficient cause, and the power to fix the salaries of superintendent, assistants, and all employés, shall be vested in a joint board of directors, who shall be chosen annually by the common councils of cities and the boards of supervisors of counties so uniting.
How chosen.	
Idem.	SEC. 3. Unless all the cities or counties so uniting and interested in such work-house shall agree upon a different number, each of the parties so uniting shall choose three members of the board of directors; and in case of the death of a director, or of his removal from the place for which he was chosen, the vacancy may be supplied by the body which appointed him. If any city or county entitled to appoint directors shall fail to make appointments, or to fill vacancies on notice of the same, those appointed from the other bodies entitled to act in the premises shall have the charge of such house and farm until such appointments shall be [are] made or vacancies [are] filled.
Vacancy.	
Failure to appoint.	
Quarterly meetings of board, etc.	SEC. 4. Stated quarterly meetings of the board of directors shall be held on the first Tuesday of January, April, July, and October, at the work-house, alms-house, or poor-house under their charge, for the purpose of inspecting the management and directing the business thereof; meetings of the board may be called at other times by the directors chosen by any city or county uniting as one of the parties for the erection or maintenance of such union work-house, alms-house, or poor-house, on giving notice to the other members of the board, in such manner as shall have been agreed upon at a stated meeting.
Special meetings.	
Officers of board.	SEC. 5. The board of directors shall, at their first general meeting in each year, choose one of their number as chairman, and shall also appoint a clerk, who shall take the constitutional oath of office, and shall record all proceedings of the board, and counter-sign all orders drawn by the chairman.
Quorum.	SEC. 6. At any meeting of the board, a majority of the members shall constitute a quorum; and at any general quarterly meeting, any by-laws, rules and regulations may be made by vote of at least one-half of the members elect, for the ordering and regulating the house and property under their charge, the payment of superintendent, assistants, and employés, and all other matters pertaining to the working and interests of such work-house or poor-house, not inconsistent with the laws of this State or of the United States.
By-laws, rules, etc.	

SEC. 7. The directors shall receive, as compensation for all services rendered by them, the sum of two dollars per day for each day actually employed in attending the meetings of the directors, and six cents per mile for each mile necessarily traveled in going to and returning from such meetings, to be paid by the city or county appointing such directors.

Compensation of directors.

SEC. 8. All the expenses for salaries, wages of employes, purchase of grounds, erection of buildings, supplies, medical attendance, and all other charges and expenses of the institution (except payment for services as directors), shall be paid by the several cities or counties so uniting, in proportion to their State tax at the time when the expense may have been incurred, or in such proportion as the places interested shall agree.

Expenses, how paid.

SEC. 9. If any city or county so uniting refuses or neglects to advance or reimburse its proportion of the expenses or moneys mentioned in the preceding section, or of any other charges authorized under this act, after the same have been adjusted and apportioned by the joint board of directors, the same may be recovered of such delinquent city or county before any court of competent jurisdiction, in an action of *assumpsit*, to be brought in the name of such board of directors, who shall, for the purpose of suing and being sued, be a body corporate, under the name and style to be adopted by such board of directors, and a certificate, signed by the chairman and countersigned by the clerk, of the corporate name adopted shall be filed with the Secretary of State, and with the clerk of each city or county, immediately after the first meeting and organization of the board of directors.

Recovery of delinquent city or county its proportion of expense.

Board, body corporate for purpose of suing and being sued.

Certificate of corporate name, where filed.

SEC. 10. No greater number of persons belonging to any city, or county uniting for the purpose shall be received into such work-house, alms-house, or poor-house than such city's or county's proportion of such house, when the receiving of them would exclude or seriously inconvenience such as belong to other places interested.

Proportion of persons to be received.

SEC. 11. If any city, or county so uniting refuses or neglects to provide its proportion of the necessary expenses of such house, or of the materials, implements, or other means of performing the work there required, according to the agreement or the directions of the joint board of directors, such city, or county shall be deprived of the privilege of sending any person thither during the time of such neglect or refusal.

Refusal to pay expenses to deprive city or county of privilege.

SEC. 12. The superintendent of the work-house, alms-house, or poor-house shall keep a register of the names and ages of the persons committed or received, the places to which they belong, the date of reception and discharge, and of their respective earnings. The board of directors shall make annual reports to the several cities, or counties so uniting, and to the Governor of the State, setting forth the above items, and also giving the number of inmates, age and sex, at date of report, and such other facts as they may deem of general interest.

Register to be kept by superintendent.

Annual report of directors.

SEC. 13. The profits and earnings arising from the work of persons committed to the work-house, if anything shall remain after paying the expenses of such work-house, alms-house, or poor-house,

Apportionment of profits and earnings.

shall be apportioned to the several cities, townships, or counties so uniting, in proportion to the State tax paid by each at the time of such distribution, to be by them used for the support of the poor, or for the benefit of the persons committed or their families, as they shall severally determine.

Discharge of
persons.

SEC. 14. No person committed to the work-house, alms-house, or poor-house, shall be discharged within the time for which he was committed except by the court or authority which made the commitment, the directors at a general or quarterly meeting, or by the probate court of the county in which such work-house, or poor-house is situated, upon good cause shown upon application for the purpose.

Employment of
persons commit-
ted.

SEC. 15. Every person committed to the work-house, or poor-house shall, if able to work, be kept diligently employed in labor during the term of his commitment. If he is idle and does not perform such reasonable task as is assigned, or is stubborn and disorderly, he shall be punished according to the orders and regulations established by the directors.

Idle persons and
vagrants may be
committed by
superintendents
of the poor, etc.

SEC. 16. Idle and indigent persons who shall have no visible means of support, and vagrants without any settled home or business, whether or not they have a legal settlement in the city, or county uniting for the establishment of such work-house, or poor-house, may be committed by the superintendents of the poor for such period as they shall determine, or by a justice of the peace upon trial and conviction as a vagrant, for a term not exceeding one year; and persons so committed shall be held for the time specified in the warrant of conviction.

Union work-
house, etc., may
be discontinued.

SEC. 17. Any such union work-house, alms-house, or poor-house, may be discontinued, or appropriated to any other use, when the cities, or counties who have united in its erection, shall so determine, and the proceeds in such case shall be divided according to the State tax of each place interested at the time of such discontinuance.

Approved May 22, 1877.

[No. 179.]

AN ACT to amend section six thousand four hundred and sixty-five of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and twenty-three of the session laws of eighteen hundred and seventy-three, approved April nineteen, eighteen hundred and seventy-three, relative to proceedings by garnishment.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That section six thousand four hundred and sixty-five of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and twenty-three of the session laws of eighteen hundred and seventy-three, approved April nineteenth, eighteen*

hundred and seventy-three, be and the same is hereby amended so as to read as follows:

(6465.) SEC. 1. In all personal actions arising upon contract, express or implied, or upon judgment or decree, or whenever any sum is due upon any judgment or decree already rendered in any of the courts of record of this State, if the plaintiff, his agent or attorney, shall file with the clerk of the court in which such action is commenced or such judgment or decree has been rendered, an affidavit stating that he has good reason to believe and does believe that any person, naming him, has property, money, goods, chattels, credits, and effects in his hands, or under his control, belonging to the defendant, or that such person is in anywise indebted to the principal defendant, whether such indebtedness is due or not, that the defendant, naming him, is justly indebted to the plaintiff in a given amount over and above all legal set-offs, and that the plaintiff is justly apprehensive of the loss of the same, unless a writ of garnishment issue to the aforesaid person; a writ of garnishment shall be issued, sealed, and tested in the same manner as writs of summons, and directed to the sheriff, reciting the commencement of suit or the rendition of judgment or decree against the principal defendant and the filing of the affidavit aforesaid, and thereupon commanding said sheriff to warn and summons such person to appear before said court, on a day named not less than fourteen days from the date of issuing the same, to make disclosure in writing, under his oath, to be filed with the clerk of said court, touching his liability as garnishee of the principal defendant, naming him, as charged in said affidavit, and thenceforth to pay no money and deliver no property to the principal defendant, naming him, and of said writ to make due return.

In what cases writ of garnishment may issue.

Approved May 22, 1877.

[No. 180.]

AN ACT further to preserve the purity of elections, and guard against abuses of the elective franchise, by providing for the identification of the ballots of unqualified voters, in cases of contested elections.

SECTION 1. *The People of the State of Michigan enact*, That at every general, special, township, and charter election in this State, it shall be the duty of the inspectors of election of each voting precinct, to cause to be numbered in figures, and in numerical order, the name of every person entered upon the poll lists required by law to be kept at such election; which figures shall be placed against the names on such poll lists at the time of the entry of said names thereon.

Names on poll lists to be numbered in figures.

SEC. 2. Whenever, at any general, special, township or charter election, in this State, the ballot of any person who has been challenged as an unqualified voter, and who has taken the oath provided by law in such case to be taken, shall be received by the

Endorsement of number on ballot in case of challenge.

Other figures to be canceled.

Proviso—ballots defaced, etc., to be refused.

Endorsement to be concealed with blank paper.

Penalty for exposing endorsement.

Proceedings in case of contested election.

Proviso—in-spection of ballot.

Proceedings after issue joined. Petition to court.

inspectors of election, it shall be the duty of said inspectors to cause to be plainly endorsed on said ballot, with pencil, and in the manner hereinafter provided, before depositing the same in the ballot box, the number corresponding to the number placed against such voter's name on the poll lists; and it shall further be the duty of such inspectors to cancel all other figures appearing on the back of said ballot, without opening the same: *Provided*, That in case a ballot shall be so folded, defaced, printed or prepared that such number cannot be legibly and permanently written on the back thereof, it shall be the duty of said inspectors to refuse to accept such ballot.

SEC. 3. To prevent the identification of said ballot, except as hereinafter provided, it shall be the duty of the inspectors of election to cause to be securely attached to said ballot, with mucilage or other adhesive substance, a slip or piece of blank paper, of the same color and appearance, as near as may be, as the paper of the ballot, in such manner as to cover and wholly conceal said endorsement, but not to injure or deface the same; and if any inspector, clerk, or other officer of an election shall afterward expose said endorsement, or remove the said slip of paper covering the same, or attempt to identify the ballot of any voter, or suffer the same to be done by any other person, he shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be amenable to the provisions of compiler's section seven thousand seven hundred and sixty-nine of the compiled laws of eighteen hundred and seventy-one.

SEC. 4. In case of a contested election, on the trial thereof before any court of competent jurisdiction in this State, it shall be competent for either party to the cause, to have produced in court the ballot boxes, ballots and poll lists used at the election out of which the cause has arisen, and to introduce evidence proving or tending to prove that any person named on such poll lists, was an unqualified voter at the election aforesaid, and that the ballot of such person was received as provided in section two of this act; and on such trial, the correspondence of the number endorsed on a ballot as herein provided, with the number against the name of any person on the poll lists, shall be received as *prima facie* proof that such ballot was cast by such person: *Provided*, That the ballot of no person shall be inspected or identified, under the provisions of this act, unless such person shall consent thereto in writing, or unless such person has been convicted of falsely swearing in such ballot, or unless the fact that such person was an unqualified voter, at the time of casting such ballot, has been determined as provided in section five of this act.

SEC. 5. After issue joined in any case of contested election, either party to the cause may present a petition to the court before which the said cause is to be tried, setting forth among other things, that the petitioner has good reason to believe and does believe that one or more voters at the election out of which the cause has arisen, naming him or them, and stating his or their place of residence,

were unqualified to vote at such election; that he believes the same can be established by competent testimony; that the ballot or ballots of such voter or voters were received after being challenged, as provided by law, and praying that the court may try and determine the question of the qualification of such voter or voters to vote at said election, which petition shall be verified by the oath of the petitioner or some other person acquainted with the facts; and thereupon the court shall direct an issue to be formed, within a time to be fixed therefor, for the purpose of determining the question of the qualification of the voter or voters named in said petition, to vote at said election; and such issue shall stand for trial as in other cases, and the verdict of the jury or judgment of the court upon such issue so made shall be received upon the trial of the principal issue in said cause, as conclusive evidence to establish or to disprove the said qualifications of said voter or voters.

Issue to determine qualification of voter.

SEC. 6. On said trial, it shall be the duty of the judge presiding thereat, and of no other person, to remove from all ballots the slips of paper concealing the said endorsements until all ballots are found having thereon the numbers agreeing with the numbers against the names of such persons on the poll lists as have been proved unqualified voters as aforesaid, and immediately thereafter to replace slips of paper upon all other ballots from which he has taken the same, in the same manner as is provided in section three of this act, for the inspectors of election.

Judge to remove slips over endorsement.

To replace slips.

Approved May 22, 1877.

[No. 181.]

AN ACT to provide for the building of a bridge across the Muskegon river at the point where said river is crossed by the Grand Rapids and Big Rapids State road, in the county of Mecosta.

SECTION 1. *The People of the State of Michigan enact*, That the board of control of State swamp lands be and are hereby authorized to appropriate five (5) sections of State swamp land in the Lower Peninsula, not otherwise appropriated, or so much thereof as may be necessary, for the purpose of constructing a bridge across the Muskegon river at the point where said river is crossed by the Grand Rapids and Big Rapids State road, in the township of Mecosta, in the county of Mecosta, in this State: *Provided*, That said bridge shall be constructed, and said expenditure made in pursuance of the provisions of law relative to the construction of swamp land State roads, under the supervision of the State Swamp Land Commissioner and said board of control.

Board of control authorized to appropriate swamp lands for building bridge.

How constructed, etc.

SEC. 2. This act shall take immediate effect.

Approved May 22, 1877.

[No. 182.]

AN ACT for the protection of guests in hotels from danger by fire.

Landlords to provide fire extinguishers, keep night watch, etc.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of all owners or keepers of hotels or public houses more than two stories high to provide such hotel [hotels] or public house [houses] with a sufficient number of fire extinguishers and a suitable fire alarm that can be heard in all parts of the house, and to keep a competent night-watch during every night guests are lodged within such hotel or public house; and they shall keep all halls and stairways well lighted all night; and at the head of each flight of stairs a red light, and no other red lights shall be used in said hotels.

Appointment and duties of committee.

SEC. 2. It shall be the duty of the township board, the board of trustees of every village, and the common council of every city in which is located any hotel more than two stories high, to appoint a committee of three competent persons, one of whom shall be the chief of the fire department or the fire warden in all places having such officers, whose duty it shall be to visit and examine all such hotels within the township, village, or city in which they are appointed, and to report to said board or council as soon as practicable such recommendations as they may deem proper for the protection of guests from danger from fire.

Duty of boards on receipt of report of committee.

SEC. 3. It shall be the duty of [the] township or village board or city council, on receiving such report, to cause all needful alterations and additions or provisions necessary for the safety of guests from fire to be made within sixty days, and cause a notice to be served on the owner or keeper of such hotel, stating the alterations and additions or provisions to be made, either by ropes furnished the sleeping rooms of the hotels, or by ladders and such other means as they may think best to secure the safety of the guests; and all such expense shall be paid by the owner thereof. And if

Fine for neglect to comply with requirements of board.

any owner or keeper of such hotel shall neglect or refuse to comply with such requirements within the time and in the manner specified in said notice, he or they shall be liable to a fine of not less than twenty-five dollars and not more than one hundred dollars for each month that he or they shall fail to comply with this act; and all fines accruing under this act shall be collected in the same manner as is now provided by law, and shall go to the use of the library of the township, village, or city where collected.

Annual examination of hotels.

SEC. 4. It shall be the duty of the township board, the president and directors of any village, and mayor and common council of any city, to examine or cause to be examined at least once in each and every year all such hotels within their respective corporations; and it shall be their duty to enforce or cause to be enforced the provisions of this act: *Provided*, That the provisions of this act shall not apply to hotels having less than thirty rooms used for guests.

Proviso.

Approved May 22, 1877.

[No. 183.]

AN ACT to reorganize the judicial circuits of this State, and to create the twenty-third judicial circuit.

SECTION 1. *The People of the State of Michigan enact, That* Judicial circuits. the several judicial circuits of this State shall be and the same are hereby reorganized, and the several circuits shall each consist of the counties hereinafter named :

First, The counties of Lenawee, Monroe, and Hillsdale shall be First. formed into and constitute a judicial circuit, to be known and designated as the First Judicial Circuit;

Second, The counties of Berrien and Cass shall be formed into Second. and constitute a judicial circuit, to be known as the Second Judicial Circuit;

Third, The county of Wayne shall be formed into and constitute Third. a judicial circuit, to be known as the Third Judicial Circuit;

Fourth, The counties of Ingham, Jackson, and Washtenaw shall Fourth. be formed into and constitute a judicial circuit, to be known as the Fourth Judicial Circuit;

Fifth, The counties of Barry, Eaton, and Calhoun shall be Fifth. formed into and constitute a judicial circuit, to be known as the Fifth Judicial Circuit;

Sixth, The counties of Lapeer and Oakland shall be formed into Sixth. and constitute a judicial circuit, to be known as the Sixth Judicial Circuit;

Seventh, The counties of Tuscola, Genesee, Shiawassee, and Seventh. Livingston shall be formed into and constitute a judicial circuit, to be known as the Seventh Judicial Circuit;

Eighth, The counties of Montcalm, Ionia, and Clinton shall be Eighth. formed into and constitute a judicial circuit, to be known as the Eighth Judicial Circuit;

Ninth, The counties of Van Buren and Kalamazoo shall be Ninth. formed into and constitute a judicial circuit, to be known as the Ninth Judicial Circuit;

Tenth, The county of Saginaw shall be formed into and consti- Tenth. tute a judicial circuit, to be known as the Tenth Judicial Circuit;

Eleventh, The counties of Chippewa, Mackinac, Manitou, Delta, Eleventh. and Menominee shall be formed into and constitute a judicial circuit, to be known as the Eleventh Judicial Circuit;

Twelfth, The counties of Ontonagon, Houghton, Keweenaw, Twelfth. Marquette, Schoolcraft, Baraga, and Isle Royale shall be formed into and constitute a judicial circuit, to be known as the Twelfth Judicial Circuit;

Thirteenth, The counties of Emmet, Charlevoix, Antrim, Lee- Thirteenth lanaw, Grand Traverse, Kalkaska, and Missaukee, and Cheboygan shall be formed into and constitute a judicial circuit, to be known as the Thirteenth Judicial Circuit;

Fourteenth, The counties of Mecosta, Muskegon, Newaygo, and Fourteenth. Oceana shall be formed into and constitute a judicial circuit, to be known as the Fourteenth Judicial Circuit;

- Fifteenth.** *Fifteenth,* The counties of St. Joseph and Branch shall be formed into and constitute a judicial circuit, to be known as the Fifteenth Judicial Circuit;
- Sixteenth.** *Sixteenth,* The counties of Huron, Sanilac, St. Clair, and Macomb shall be formed into and constitute a judicial circuit, to be known as the Sixteenth Judicial Circuit;
- Seventeenth.** *Seventeenth,* The county of Kent shall be formed into and constitute a judicial circuit, to be known as the Seventeenth Judicial Circuit;
- Eighteenth.** *Eighteenth,* The counties of Bay, Ogemaw, and Otsego shall be formed into and constitute a judicial circuit, to be known as the Eighteenth Judicial Circuit; and the present judge of the eighteenth judicial circuit shall continue to hold his office as judge of said circuit, as herein reorganized, for the remainder of his unexpired term, and until his successor is elected and qualified;
- Nineteenth.** *Nineteenth,* The counties of Benzie, Lake, Manistee, Mason, Osceola, and Wexford shall be formed into and constitute a judicial circuit, to be known as the Nineteenth Judicial Circuit;
- Twentieth.** *Twentieth,* The counties of Allegan and Ottawa shall be formed into and constitute a judicial circuit, to be known as the Twentieth Judicial Circuit;
- Twenty-first.** *Twenty-first,* The counties of Gratiot, Midland, Isabella, Clare, Gladwin, and Roscommon shall be formed into and constitute a judicial circuit, to be known as the Twenty-first Judicial Circuit.
- Judges to continue to hold office.** SEC. 2. The judges of the several circuits hereinbefore mentioned shall continue to hold their respective offices in their respective circuits, and perform the functions thereof under this reorganization.
- Twenty-third circuit.** SEC. 3. The counties of Alpena, Presque Isle, Alcona, and Iosco, (with the unorganized territory attached) shall be formed into and constitute a judicial circuit, to be known as the Twenty-third Judicial Circuit.
- Election of circuit judge in twenty-third circuit.** SEC. 4. The qualified voters of the counties mentioned in section three of this act shall, on the first Monday of July, in the year of our Lord one thousand eight hundred and seventy-seven, elect a circuit judge, who shall hold his office commencing on the sixteenth day of July, in the year of our Lord one thousand eight hundred and seventy-seven, for the remainder of the unexpired term, and until his successor is elected and qualified.
- Sheriff to notify township clerks, etc.** SEC. 5. It shall be the duty of the sheriffs of the several counties mentioned in section three of this act, at least ten days previous to the first Monday of July, in the year of our Lord one thousand eight hundred and seventy-seven, to notify the township clerk of each township and ward inspectors of election in each ward of any city in their respective counties of said election of circuit judge, and the township clerks and ward inspectors shall post notices in the usual manner for such elections in townships and wards, at least five days previous to the day of election.
- Notice by township clerks, etc.** SEC. 6. The said election for circuit judge shall be conducted and returns made as provided by law for the election of circuit
- Conducting election.**

judges for the several judicial circuits of this State, and the State board of canvassers shall without delay, on the receipt of the certified statements of the votes given in said counties named in the third section of this act, proceed to canvass the said votes and to deliver to the person elected a copy of their determination as required by law. Canvass by State Board.

SEC. 7. This act shall take immediate effect.

Approved May 22, 1877.

[No. 184.]

AN ACT to amend section three of chapter fifty-nine of the compiled laws of eighteen hundred and seventy-one, being compiler's section two thousand and twenty-nine, entitled "An act to prevent animals from running at large in the public highways."

SECTION 1. *The People of the State of Michigan enact, That* section three of chapter fifty-nine [forty-nine] of the compiled laws of eighteen hundred and seventy-one, being compiler's section two thousand and twenty-nine, entitled "An act to prevent animals from running at large in the public highways," be and the same is hereby amended so as to read as follows: Section amended.

(2029.) SEC. 3. It shall be the duty of the overseer of highways to seize and take into his custody and possession any animal forbidden to run at large, which may be running at large in any highway of which he is overseer, contrary to the provisions of the foregoing section, and it shall be lawful for any person to seize and take into his custody and possession any animal which may be in any public highway, and opposite the land owned or occupied by him, contrary to the provisions of the foregoing section; and it shall be lawful for any person to take into his custody and possession any animal which may be trespassing upon premises owned or occupied by him. Seizure of animals running at large.

Approved May 22, 1877.

[No. 185.]

AN ACT entitled "an act making appropriations for the general and other expenses of the University of Michigan."

SECTION 1. *The People of the State of Michigan enact, That* there shall be and is hereby appropriated out of the State treasury, for the general expenses of the University of Michigan and for other expenses herein named, the following sums, to wit: To pay the professor of geology for the year eighteen hundred and seventy-seven, two thousand dollars; to pay the professor of geology for the year eighteen hundred and seventy-eight, two thousand dollars; for the physical laboratory for the year eighteen hundred and seventy-seven, one thousand dollars; for the physical laboratory for Sums appropriated, and for what purpose.

the year eighteen hundred and seventy-eight, five hundred dollars; to pay the professor of physics for the year eighteen hundred and seventy-seven, two thousand dollars; to pay the professor of physics for the year eighteen hundred and seventy-eight, two thousand dollars; for the hospital for the year eighteen hundred and seventy-seven, two thousand dollars; for the hospital for the year eighteen hundred and seventy-eight, two thousand dollars; for the physiological laboratory of the medical departments for the year eighteen hundred and seventy-seven, two thousand five hundred dollars; for the physiological laboratory of the medical departments for the year eighteen hundred and seventy-eight, one thousand dollars; for the general library for the year eighteen hundred and seventy-seven, two thousand five hundred dollars; for the general library for the year eighteen hundred and seventy-eight, two thousand five hundred dollars; to pay the professors in the dental school for the year eighteen hundred and seventy-seven, four thousand five hundred dollars; to pay the professors in the dental school for the year eighteen hundred and seventy-eight, four thousand five hundred dollars; to pay for apparatus in the dental school for the year eighteen hundred and seventy-seven, one thousand dollars; to pay for apparatus in the dental school for the year eighteen hundred and seventy-eight, five hundred dollars; to repair a building for the dental school for the year eighteen hundred and seventy-seven, one thousand dollars; for the astronomical department for the year eighteen hundred and seventy-seven, one thousand five hundred dollars; to enable the regents to extend the term of instruction in the department of medicine and surgery to nine months for the year eighteen hundred and seventy-seven, four thousand five hundred dollars; to enable the regents to extend the term of instruction in the department of medicine and surgery to nine months, for the year eighteen hundred and seventy-eight, four thousand five hundred dollars; to enable the regents to extend the term of instruction in the homeopathic college to nine months, for the year eighteen hundred and seventy-seven, two thousand five hundred dollars; to enable the regents to extend the term of instruction in the homeopathic college to nine months, for the year eighteen hundred and seventy-eight, two thousand five hundred dollars.

When assessed,
etc.

SEC. 2. There shall be assessed upon the taxable property of the State in the year eighteen hundred and seventy-seven, the sum of twenty-seven thousand dollars, and in the year eighteen hundred and seventy-eight, the further sum of twenty-two thousand dollars assessed and levied in like manner as other State taxes are by law levied, assessed, and paid; which tax when collected shall be credited up to the general fund to reimburse the same for the amounts drawn therefrom, as provided in section one of this act.

SEC. 3. This act shall take immediate effect.

Approved May 22, 1877.

[No. 186.]

AN ACT to amend section five of chapter two hundred and thirty-four, being compiler's section seven thousand two hundred and seventy of the compiled laws of eighteen hundred and seventy-one, relative to the duties and obligations of assignees of insolvent debtors.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section five of chapter two hundred and thirty-four, being compiler's section seven thousand two hundred and seventy of the compiled laws of eighteen hundred and seventy-one, relative to the duties and obligations of assignees of insolvent debtors, be and the same is hereby amended so as to read as follows:

(7270.) SEC. 5. Before proceeding to the discharge of any of their duties, all such assignees shall take and subscribe an oath that they will well and truly execute the trust by their appointment reposed in them, according to the best of their skill and understanding; which oath shall be filed with the officer who appointed them. They shall also, before entering upon the discharge of the duties imposed on them, file with the county clerk, to the creditors of said assignor, a bond with good and sufficient sureties, to be approved by said clerk, in double the amount of the appraised value of the property assigned to him, conditioned for the faithful performance of all the conditions of the assignment: *Provided, That* Oath to be given by assignees.
 no assignment for the benefit of creditors shall be effectual to convey the title to the property of the assignor to the assignee until such bond shall be filed and approved: *And provided further,* Bond given by assignees.
 That no assignment for the benefit of creditors, whether the same is made in accordance with the provisions of this act or otherwise, except under and by virtue of the bankrupt laws of the United States, shall be of any effect until a bond shall be executed and filed in accordance with the provisions of this act. Proviso.

SEC. 2. This act shall take immediate effect. Further proviso.

Approved May 22, 1877.

[No. 187.]

AN ACT to amend section one hundred and fifteen of the compiled laws of eighteen hundred and seventy one, being section eighty-four of chapter six, relative to electors of President and Vice President of the United States.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section one hundred and fifteen (being section eighty-four of chapter six) of the compiled laws of eighteen hundred and seventy-one, relative to electors of President and Vice President of the United States, be and the same is hereby amended so as to read as follows:

Electors to convene at the capitol.

How vacancy to be filled.

SEC. 84. The electors of President and Vice President shall convene in the Senate chamber, at the Capitol of the State, at the hour of twelve o'clock at noon on the first Wednesday of December; and if there shall be any vacancy in the office of an elector, occasioned by death, refusal to act, neglect to attend by the hour of twelve o'clock at noon of said day, or on account of any two of the persons voted for as electors having received an equal and the same number of votes, (or on account of the ineligibility of any person elected,) or for any other cause, the (qualified) electors present shall proceed to fill such vacancy by ballot and plurality of votes; and when all the electors shall appear, or vacancies shall be filled as above provided, they shall proceed to perform the duties of such electors, as required by the constitution and laws of the United States.

Approved May 22, 1877.

[No. 188.]

AN ACT to amend section one of an act to provide for changing the names of minor adopted children, and of other persons, approved February two, eighteen hundred and sixty-one, being compiler's section four thousand eight hundred and fifty-four.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act to provide for changing the names of minor adopted children, and of other persons, approved February two, eighteen hundred and sixty-one, being compiler's section four thousand eight hundred and fifty-four, be and is hereby amended so as to read as follows:

Adopted children.

(4854.) SEC. 1. That whenever any person shall have adopted any minor child, with the consent of the surviving parent, or the parents of such child, or in case of orphanage, with the consent of the nearest of kin, or guardian of such child, or of the principal officers of a public or incorporated orphan asylum of which such child may have been an inmate, or of two of the superintendents of the poor, or the directors of the poor, or of any authorized officers or agent of any institution, public or private, in this State or elsewhere, in whose care such orphan child may have been; and if such child be above the age of seven years, then, with the consent of such child, and shall desire to change the name of such child, and to bestow upon him or her the family name of the person adopting such child with the intent to make such child his or her heir, the said person, together with his or her wife or husband, if any there be, and the surviving parent or next of kin or guardian of such child, or such officer of a public or incorporated orphan asylum, or superintendent or directors of the poor, or any authorized officer or agent of any institution, public or private, in this State or elsewhere, may make under their hands an instrument in writing whereby they shall declare that such child, naming him or

Bestowal upon of family name.

Declaration of adoption, etc., to be in writing.

her by the name he or she has usually borne, is adopted as the child of such person or persons first above referred to, and that he, she, or they intend to make such child his, her, or their heir, and stating the full name they desire such child shall bear; and the execution of the said instrument shall be by the persons so signing the same acknowledged before any officer authorized by law to take acknowledgments of deeds, and thereupon the same may be presented to and filed with the judge of probate of the county where such person or persons adopting such child reside. Such probate judge on being satisfied of the good faith of such proceeding, and that the person or persons adopting such child is or are suitable to have charge thereof, shall make an order, to be entered in the journal of the probate court, that such person or persons do stand in the place of a parent or parents to such child, and that the name of such child be changed to such name as shall be so designated in said instrument for that purpose, whereupon said child shall be thereafter known and called by said new name, and the said person or persons so adopting such child shall thereupon stand in the place of a parent or parents to such child in law, and be liable to all duties and entitled to all the rights of parents thereto, and such child shall thereupon become an heir-at-law of such persons, the same as if he or she were in fact the child of such person or persons.

Where filed.

Order of probate court.

Effect thereof.

Approved May 22, 1877.

[No. 189.]

AN ACT relative to insane convicts in the State Prison and other penal institutions.

SECTION 1. *The People of the State of Michigan enact*, That if any person after being convicted of any offense and committed to the State Prison or any penal institution of this State, and before the execution in whole or in part of the sentence of the court, shall show symptoms of insanity, the warden shall give notice to the physician thereof and the medical superintendent of the asylum for the insane at Kalamazoo. The physician and medical superintendent aforesaid upon receiving such notice, shall forthwith examine such convict, and if upon such examination they shall be of opinion that said convict is insane, they shall certify the same to the warden of the prison who shall forthwith put such lunatic or insane convict in the prison department prepared for that purpose, and immediately notify the Governor of the State of the insanity of said convict, whose duty it shall be to inquire into the facts, and he may pardon such lunatic, or commute or suspend, for the time being, the execution in such manner or for such period as he may think proper, and may, by his warrant to the warden of the State prison, or any penal institution of this State, order such lunatic to be conveyed to

Transfer of insane prisoners to Asylum.

Duty of warden.

Physician and medical superintendent to examine, etc.

Governor may order prisoner sent to Asylum.

one of the State asylums for the insane, and there kept at the expense of the State until restored to his reason, unless his sentence shall sooner expire, in which case, or if restored to reason before the expiration of the time of his sentence, he shall be returned to the prison to serve out the unexpired time of his sentence, the time of such suspension shall count on the time for which sentenced.

Transfer of
insane person to
lunatic depart-
ment in prison.

SEC. 2. Whenever a convict in the State prison or any penal institution of this State shall show symptoms of insanity, the warden shall give notice to the physician thereof and to the medical superintendent of the asylum for the insane at Kalamazoo. The physician and medical superintendent aforesaid, upon receiving such notice shall forthwith examine such convict, and if upon such examination they shall be of opinion that said convict is insane, they shall certify the same to the warden of the prison or any penal institution of this State, who shall forthwith put such lunatic or insane convict in the prison department prepared for that purpose.

Duty of prison
physician as to
lunatic convicts.

SEC. 3. The physician for said prison or any penal institution of this State shall give such medical and surgical aid to the lunatic convicts who may not be removed by order of the Governor as provided by section one hereof, as the nature of their cases and circumstances will permit and require; and whenever any lunatics or insane convicts shall be adjudged to be restored to their proper minds, or so far restored that it may be considered safe to put them at labor, under their sentence, and certified so by the physician and medical superintendent as aforesaid, the warden of the prison or any penal institution of this State shall again put such restored convicts at hard labor, according to their sentence.

When lunatic
adjudged re-
stored, duty of
warden.

SEC. 4. This act shall take immediate effect.

Approved May 22, 1877.

[No. 190.]

AN ACT to maintain political purity.

Persons deemed
guilty of bribery
who shall cor-
rupt voters by—

SECTION 1. *The People of the State of Michigan enact*, That the following persons shall be guilty of bribery, and shall be punished accordingly:

The offer or
promise of money
or valuable con-
sideration.

First, Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer or promise any money or valuable consideration or promise or endeavor to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting for any person, candidate or ticket at any public election in this State;

Second, Every person who shall, directly or indirectly, by himself or by any other person on his behalf give or procure, or agree

to give or procure, or offer or promise any office, place, or employment, or promise to procure or to endeavor to procure any office, place, or employment to or for any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of any voter having voted or refrained from voting for any person, candidate or ticket, at any such election;

Third, Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any gift, loan, offer, promise, procurement, or agreement, as aforesaid, to or for any person, in order to induce such person to procure or endeavor to procure the election of any person to any public office in this State, or the vote of any voter at any such election;

Fourth, Every person who shall upon, or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise or endeavor to procure the election of any person or persons to any public office or offices in this State, or the vote of any voter at any such election;

Fifth, Every person who shall advance, or pay, or cause to be paid any money to, or to the use of, any other person, with the intent that such money or any part thereof shall be expended in bribery at any such election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any such election.

SEC. 2. Any person offending, according to the provisions of the preceding section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of two hundred dollars; but the *bona fide* payment by any candidate for office or other person for the fair and reasonable cost of printing tickets and slips or pasters, and of advertising in the newspapers or by posters any political meeting, and the reasonable and *bona fide* expenses of holding such meetings and procuring speakers, and getting out the people to the same, of obtaining and distributing papers and tickets and of bringing voters out to the polls; shall be held to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this act.

SEC. 3. The following persons shall also be deemed guilty of bribery and on conviction thereof shall be punished as prescribed in the preceding section:

First, Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person on his behalf, ask, solicit, receive, agree or contract for any money, gift, loan or valuable consideration, office, place, or employment for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting for any person, candidate, or ticket at any public election in this State;

Second, Every person who shall after any election directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other

The offer or promise of office, place, or employment.

The employment of others to corrupt voters.

Who shall receive gift, etc., and in consequence attempt to corrupt voters.

Who shall advance money for bribery of a voter.

Penalty for violating preceding sections.

Legitimate election expenses.

Others deemed guilty of bribery.

Person who offers to vote or refrain from voting for money, etc.

Person who after election receives money, etc., for having voted or refrained from voting.

person to vote or to refrain from voting for any person, candidate, or ticket at any such election.

Candidate shall not provide refreshments for purpose of corrupting voter.

SEC. 4. No candidate for any public office shall corruptly, by himself, or by or with any person, or by any other way or means on his behalf, at any time either before or during an election, directly or indirectly give or provide or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay wholly or in part any expenses incurred for any meat, drink, refreshment, or provision to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person or any other person to give or refrain from giving his vote at such election; and every person so offending shall be deemed guilty of corrupt practice, and on conviction thereof shall be fined not less than twenty-five or more than two hundred dollars.

Penalty.

Others shall not provide refreshments for purpose of corrupting voter.

SEC. 5. The giving or causing to be given to any voter on any election day, on account of such voter being about to vote, or having voted, any meat, drink, or refreshment, or any money or ticket to enable such voter to procure refreshment, shall be deemed a corrupt practice, and persons convicted thereof shall be punished as provided in the preceding section.

Intimidation of voter by threatening to discharge, excommunicate, etc.

SEC. 6. Any person who shall directly or indirectly discharge or threaten to discharge any person who may be in his employ for the purpose of influencing his vote at any election in this State, and any priest, pastor, curate or other officer of any religious association or society, who shall impose or threaten to impose any penalty of excommunication, dismissal or expulsion, or who shall command or advise under pain of religious disapproval, for the purpose of influencing any voter at an election in this State, shall be deemed guilty of corrupt practice, and on conviction thereof shall be punished as provided for in section four of this act.

Penalty.

Election of candidate who commits bribery void.

SEC. 7. If any candidate for any public office at any election in this State shall commit bribery, or any corrupt practice, as defined in this act, the election of such candidate, if he has been elected, shall be void, and if he shall enter into the office for which he was elected, an information in the nature of a *quo warranto* to oust him from such office, may be filed in the Supreme Court or the proper circuit court, under chapter two hundred and twenty-five of the compiled laws of eighteen hundred and seventy-one: *Provided*, Such bribery or corrupt practice shall be proved by at least two witnesses.

Proviso.

Attempt to corrupt vote of Legislator for U. S. Senator, by offer of office, deemed felony.

SEC. 8. Any person who shall directly or indirectly by himself or by any other person on his behalf, offer or promise any office, place, or employment under the government of the United States, or promise to procure or to endeavor to procure any such office, place or employment, to or for any member of the Legislature, or to or for any other person, in order to induce such member of the Legislature to vote or refrain from voting for any person for the office of United States Senator from this State, or shall corruptly do any such act as aforesaid, on account of any member of the Legislature having voted or refrained from voting as aforesaid, shall be deemed guilty of a felony, and on conviction thereof shall be pun-

ished by imprisonment in the State prison for a period not exceeding five years, or by a fine not exceeding one thousand dollars. Penalty.

SEC. 9. It shall be unlawful for any person to sell, barter, or give away any spirituous, vinous or malt liquors, on the day of any election held within this State, under the constitution or laws thereof; and it shall be the duty of all mayors of cities, presidents of villages, and supervisors of townships, within five days previous to the days of election as aforesaid, to issue a proclamation, warning the inhabitants of the provisions of this act, and that all violations of the same will subject the offender to prompt and speedy punishment, and requiring sheriffs, marshals, constables, and police officers to close, and it shall be the duty of such officers to close all houses or places found violating the provisions of this act, and to report forthwith all violations of this act, to the prosecuting attorney and mayor, president or supervisors aforesaid, and whose duty it shall be to immediately prosecute such violations of this act. Spirituous liquor, sale of on election day prohibited.

Any person who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, and costs of prosecution, and on failure to pay such fine and costs, shall be imprisoned in the county jail not less than ten days, nor more than ninety days, or both such fine and imprisonment, in the discretion of the court. Penalty for sale of.

Approved May 22, 1877.

[No. 191.]

AN ACT authorizing the formation of partnership associations, in which the capital subscribed shall alone be responsible for the debts of the association, except under certain circumstances.

SECTION 1. *The People of the State of Michigan enact*, That when any three or more persons may desire to form a partnership association, for the purpose of conducting any lawful business or occupation within the United States or elsewhere, whose principal office or place of business shall be established and maintained within this State, by subscribing and contributing capital thereto, which capital shall alone be liable for the debts of such association, it shall and may be lawful for such persons to sign and acknowledge, before some officer competent to take the acknowledgment of deeds, a statement in writing, in which shall be set forth the full names of such persons, and the amount of capital of said association subscribed for by each; the total amount of capital, and when and how to be paid; the character of the business to be conducted, and the location of the same; the name of the association, with the word "limited" added thereto as part of the same; the contemplated duration of said association, which shall not in any case exceed twenty years, and the names of the officers of said association Who may form partnership association.

Statement, what to set forth.

Contributions to capital stock of real or personal estate. selected in conformity with the provisions of this act. Contributions to the capital stock may be made in real or personal estate, at a valuation to be approved by all the members subscribing to the capital of such association; but where property has been contributed as part of the capital, a schedule containing the names of the parties so contributing, with a description and valuation of the property so contributed, shall be inserted in such statement; and any amendment of said statement shall be made only in like manner; which said statement and amendments shall be recorded in the office of the register of deeds of the county where such association has its principal office.

Statement, etc., where recorded.

Liability of members.

Proviso.

SEC. 2. The members of any such partnership association shall not be liable under any judgment, decree, or order which shall be obtained against such association, or for any debt or engagement of such company, further or otherwise than is hereinafter provided, that is to say: if any execution or other process in the nature of execution, either at law or in equity, shall have been issued against the property or effects of the company, and if there cannot be found sufficient thereof whereon to levy or enforce such execution or other process, then such execution or other process may be issued against any of the members to the extent of the portions of their subscriptions respectively in the capital of the association not then paid up: *Provided always*, That no such execution shall issue against any member except upon an order of court or of a judge of the court in which the action, suit, or other proceeding shall have been brought or instituted; and the said court or judge may compel the production of the books of the association, showing the names of the members thereof, and the amount of capital remaining to be paid upon their respective subscriptions, and from them or other sources of information, ascertain the truth in regard thereto, and may order execution to issue accordingly; and the said association shall be and it is hereby required to keep a subscription list book for that purpose, and the same shall be open to inspection by the creditors and members of the association, at all reasonable times: *Provided*, That nothing herein contained shall be construed to exempt the members of such partnership association from individual liability for all labor performed for the association.

Proviso relative to labor performed for association.

Word "limited" to be last word of partnership name.

Name to be affixed outside of office, etc.

SEC. 3. The word "limited" shall be the last word of the name of every partnership association formed under the provisions of this act; and every such association shall paint or affix, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the association is carried on, in a conspicuous position, in letters easily legible, and shall have its full name mentioned in legible characters in all notices, advertisements, and other official publications of such association, and in all bills of exchange, promissory notes, checks, orders for money, bills of lading, invoices, receipts, letters, and other writings used in the transaction of the business of the partnership association: *Provided*, That the omission of the word "limited" in the use of the name of the partnership association shall render each and every

Proviso—effect of omitting the word "limited."

member of such partnership liable for any indebtedness, damage, or liability arising therefrom.

SEC. 4. Interests in said association shall be personal estate, and may be transferred under such rules and regulations as the association may prescribe, but no transferee of any interest, or the representatives of any decedent, or of any insolvent, shall be entitled thereafter to any participation in the subsequent business of said association, unless he or she be elected thereto by a vote of a majority of the members in number and value of their interests; and any change of ownership, whether by sale, death, bankruptcy, or otherwise, which shall not be followed by election to the association, shall entitle the owner only to his interest in the association at a price and upon terms to be mutually agreed upon, and in default of such agreement the price and terms shall be fixed by an appraiser appointed by the circuit court of the county where such association has its principal business office, subject to the approval of said court.

Interests in association personal estate, and how transferred.

SEC. 5. There shall be at least one meeting of the members of the association in each year, written notice of which shall be duly served on each member of the association ten days prior to said meeting, at one of which there shall be elected not less than three nor more than five managers of said association, one of whom shall be the chairman, one the treasurer, and one the secretary, or one may be both treasurer and secretary, who shall hold their respective offices for one year, and until their successors are duly installed; and no debt shall be contracted or liability incurred for said association except by one or more of the said managers, and no liability for an amount exceeding five hundred dollars, except against the person incurring it, shall bind the said association, unless reduced to writing and signed by at least two managers, except in case of associations for the purpose of buying and selling merchandise, a majority of the interest in such association may select one of the managers each year to purchase merchandise required in the business of the association, make contracts and sign notes for the same: *Provided*, Such power given in writing fully setting forth the extent to which such manager may make purchases and contract debt for the association, which shall be signed by a majority of the members in number and value of their interest, and such power of purchasing and contracting debts shall be strictly limited to the ordinary business of the association.

Yearly meetings.

Managers.

Debts and liabilities, how incurred.

Proviso.

SEC. 6. The association may, from time to time, divide the profits of its business in such manner and in such an amount as a majority of its managers may determine, which profits so divided shall not at the time diminish or impair the capital of the said association; and any one consenting to a dividend which shall diminish or impair the capital shall be liable to any person or persons interested or injured thereby to the amount of such diminution or impairment.

Division of profits.

SEC. 7. It shall not be lawful for such association to loan its credit, its name, or its capital to any member of said association,

Loan of credit, how made.

and for such loan to any other person or association, the consent in writing of a majority in number and value of interest shall be requisite, and in no case shall the credit of the association be loaned except the regular business of the association is to be directly benefited thereby.

When association
may be dissolved.

SEC. 8. Such association may be dissolved :

First, Whenever the period fixed for the duration of the association expires ;

Second, Whenever by vote of a majority in number and value of interest it shall be so determined, and notice of such winding up shall be given by publication in two newspapers published in the proper city or county at least four consecutive weeks ; and immediately upon the commencement of said advertising said association shall cease to carry on its business, except so far as may be required for the beneficial winding up thereof.

SEC. 9. When any such partnership association shall be dissolved by the voluntary action thereof, its property shall be applied and distributed as follows :

First, To the payment of all debts for wages of labor ;

Second, To the satisfaction of its other liabilities and indebtedness ;

Third, After payment thereof, the same shall be distributed to and among the members thereof, in proportion to their respective interests, in the following manner :

Fourth, Three liquidating trustees shall be elected by the members of the association, who shall have full power and authority to wind up the concern, and distribute the net assets thereof among the members, under the direction of the circuit court of the proper county.

Real estate, how
held and con-
veyed.

SEC. 10. That all real estate owned or purchased by any association, created under and by virtue of this act, shall be held and owned and conveyance thereof shall be made in the association name ; that said association shall sue and be sued in their association name ; and when suit is brought against any such association, service thereof shall be made upon the chairman, secretary, or treasurer thereof, which service shall be as complete and effective as if made upon each and every member of such association.

Suits by and
against corpora-
tion.

Repeal or
amendment of
act not to affect
previous trans-
actions.

SEC. 11. That no amendment, modification, or repeal of this act shall affect anything duly done, right acquired, liability incurred, or penalty, forfeiture, or other punishment incurred or to be incurred, in respect of any offense against the provisions of this act before such amendment, modification, or repeal comes into operation.

Approved May 22, 1877.

[No. 192.]

AN ACT making appropriations for the Institution for educating the Deaf and Dumb, and the Blind, for the years eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, and to repeal section one thousand eight hundred and ninety-five of the compiled laws of eighteen hundred and seventy-one, and to amend section three of act number one hundred and two of the session laws of eighteen hundred and fifty-seven.

SECTION 1. *The People of the State of Michigan enact*, That the sum of forty-three thousand five hundred dollars for the year eighteen hundred and seventy-seven, and the further sum of forty-three thousand five hundred dollars for the year eighteen hundred and seventy-eight, or such portions of said sums as may be necessary, are hereby appropriated to defray the current expenses of the Institution for educating the Deaf and Dumb, and the Blind; including the appropriation for the purchase of materials and pay of foremen in boot and shoe shop, cabinet shop, basket shop, and printing office. Also including the appropriation for painting and general repairs, and for beds and bedding. Appropriation for current expenses, etc.

SEC. 2. The sum of five thousand six hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the following purposes, viz.: For water closets to accommodate dormitories, one thousand dollars; for fifty rods plank walk, one hundred and fifty dollars; for two hundred squares of floors, one thousand dollars; for one washing machine and one mangle, five hundred dollars; for steam cooking apparatus, three hundred dollars; for one fire-proof safe, two hundred and fifty dollars; for one set platform scales, one hundred and twenty-five dollars; for ward-ropes, two hundred and eighty dollars; for two hundred rods board fence, three hundred and fifty dollars; for partitions in and ventilating dormitories, one thousand and forty-five dollars; for two pianos, six hundred dollars. Special appropriation.

SEC. 3. The several sums mentioned in this act are hereby appropriated out of the general fund, and passed to the credit of the asylum fund, for the benefit of the Institution for educating the Deaf, and Dumb, and the Blind; and shall be paid to the board of trustees, at such time and in such manner and amounts only, as are or may be provided by law, and may be made to appear to the Auditor General to be necessary for the immediate wants of said institution; and in no case shall a greater sum be drawn at one time from the State treasury than five thousand dollars. Appropriations to be taken from general fund, etc. Payments.

SEC. 4. Of the above mentioned sums, the Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and seventy-seven, the sum of forty-seven thousand six hundred dollars; and for the year eighteen hundred and seventy-eight, the sum of forty-five thousand dollars; which sums when collected shall be passed to the credit of the general fund. Section twelve of "An act to establish an asylum for the deaf, dumb, and the blind, and also an asylum for the insane of the State of Michigan," approved April three, eighteen hundred and forty-eight, be- Auditor General to incorporate with State tax. Act repealed.

Section amended.

ing section one thousand eight hundred and ninety-five of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby repealed. And section three of act number one hundred and two of the session laws of eighteen hundred and fifty-seven, approved February twelve, eighteen hundred and fifty-seven, be and the same is hereby amended so as to read as follows:

Compensation of trustees.

SEC. 3. The members of the board of trustees shall receive, while actually employed, two dollars per day, which, with necessary traveling expenses shall be in full of all compensation. The salaries and compensation shall be paid quarterly, in the same manner and out of the same funds as other State officers are paid, and the same is hereby annually appropriated out of any money in the treasury not otherwise appropriated.

SEC. 5. This act shall take immediate effect.

Approved May 22, 1877.

[No. 193.]

AN ACT To amend sections one, three, and five, of act number two hundred and thirty-one of the session laws of eighteen hundred and seventy-five, entitled "An act to prevent the sale or delivery of intoxicating liquors, wine, and beer to minors, and to drunken persons, and to habitual drunkards, to provide a remedy against persons selling liquor to husbands or children in certain cases," and to add one new section thereto to stand as section six.

Sections amended.

SECTION 1. *The People of the State of Michigan enact, That* sections one, three and five, of an act entitled "An act to prevent the sale or delivery of intoxicating liquors, wine and beer, to minors, and to drunken persons, and to habitual drunkards, to provide a remedy against persons selling liquor to husbands or children in certain cases," be and the same are hereby amended so as to read as follows:

Sale of liquors to minors, etc., prohibited.

SECTION 1. *The People of the State of Michigan enact, That* it shall not be lawful for any person to sell, furnish to, or give any spirituous or intoxicating liquor, or any wine or beer, or any beverage, liquor, or liquids for drink, containing any spirituous or intoxicating liquor, wine, beer, or malt liquor, to any minor or intoxicated person, or to any person in the habit of getting intoxicated. It

Bond required of vender.

shall not be lawful for any person (including druggists) to sell malt, spirituous, or intoxicating liquors, without first having executed and delivered to the treasurer of the county in which such business is prosecuted and carried on, the bond required to be given by section five of this act. All saloons, restaurants, bars in taverns or elsewhere, and all other places where malt, spirituous or intoxicating liquors are sold, either at wholesale or retail, shall be closed on the first day of the week, commonly called Sunday, and on each week day night from and after the hour of ten o'clock until six o'clock of the morning of the succeeding day: *Provided, That* in all cities

Saloons to be closed on Sunday, etc.

Provided.

and incorporated villages of this State, the saloons, restaurants, and bars in taverns or elsewhere in such cities and villages may remain open until not later than eleven o'clock in the evening on such week day nights, unless ordered sooner closed by the proper city or village authorities. But the above provisions about closing shall not be construed to prohibit persons whose principal business is to deal in drugs and medicines, from selling alcohol or alcoholic liquors, to be used for medicinal, mechanical and sacramental purposes, or to be used as a chemical agent in scientific and manufacturing purposes only. But all such dealers in drugs and medicines, on such days and nights or other times, shall keep a book expressly for that purpose, in which shall be recorded the names of all persons applying for such liquor for any of these lawful purposes, the date of each sale, the amount and kind of liquor sold to each person, and the purpose to which the liquor was to be applied as stated by the purchaser, which shall be opened for examination by any person on request during all business hours. And a failure to keep such record on the part of any such dealer, or the delivery of liquor for any purpose other than above named, shall subject him to the same penalties as are provided for other unlawful sales in this act. And a misrepresentation on the part of any purchaser, made to any such dealer, for the purpose of surreptitiously obtaining alcoholic or intoxicating liquors to be used as a beverage, shall subject said purchaser to the penalties provided for in this section. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, and costs of prosecution, and on failure to pay such fine and costs, shall be imprisoned in the county jail not less than ten days, nor more than ninety days, or both such fine and imprisonment, in the discretion of the court.

Druggists may sell for certain purposes.

Record kept by druggists.

Penalty for not keeping record.

Penalty for obtaining liquor by misrepresentation.

Penalty for violation of provisions of section.

SEC. 3. Every wife, child, parent, guardian, husband, or other person, who shall be injured in person or property, or means of support, by any intoxicated person, or by reason of the intoxication of any person, or by the reason of the selling, giving, or furnishing any spirituous, intoxicating, fermented, or malt liquors to any person, shall have a right of action in his or her own name against any person or persons who shall, by selling or giving any intoxicating or malt liquor, have caused or contributed to the intoxication of such person or persons, or who have caused or contributed to such injury, and the principal and sureties to the bond hereinafter mentioned shall be liable severally and jointly with the person or persons so selling, giving, or furnishing any spirituous, intoxicating or malt liquors as aforesaid, and in any action provided for in this section, the plaintiff shall have a right to recover actual and exemplary damages. And in every action by any wife, husband, parent, or child, general reputation of the relation of husband and wife, parent and child, shall be *prima facie* evidence of such relation, and the amount recovered by every wife or child shall be his or her sole and separate property. Any sale or gift of intoxicating or malt liquors by the lessee or occupant of any premises, resulting in damages, shall, at

Who may bring action for damages.

Sureties to bond liable.

Evidence of relationship.

Forfeiture of lease.

Lessee may be
enjoined.

the option of the lessor, work a forfeiture of the lease, and the circuit court in chancery may enjoin the sale, giving away, or furnishing, of any intoxicating or malt liquors by any lessee or occupant of the premises which may result in loss or damage, or liability to the lessor, or any person claiming under such lessor.

Bond.

SEC. 5. Every person engaged in the sale of any intoxicating, spirituous, malt, brewed or fermented liquors for any purpose whatever shall, before commencing such business, and on or before the first day of May in each and every year thereafter, make, execute, and deliver to the county treasurer of the county in which he is carrying on such business, a bond, the sufficiency of which shall be determined by the township board of the township, or the board of trustees, or the common council of the village or city in which such business is proposed to be carried on, to the people of the State of Michigan, in the sum of not less than one thousand dollars nor more than three thousand dollars, with two or more sufficient sureties, who shall be freeholders, each of whom shall justify in a sum equal to the amount of the bond, over and above all indebtedness, and all exemptions from sale on execution, which bond shall be substantially in the following form :

Form of bond.

Know all men by these presents that we.....as principal andand.....as sureties, are held and firmly bound unto the people of the State of Michigan, in the sum of.....dollars, to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these presents. Sealed with our seals and dated this:.....day of....., A. D. 18.....

WHEREAS, The above named principal professes to carry on the business of [and describing the place of business] at, in the county of; and

WHEREAS, The said principal hath covenanted and agreed, and doth hereby covenant and agree as follows, to wit:

That he will not directly or indirectly by himself, his clerk, agent, or servant, at any time, sell, furnish, give, or deliver, any spirituous or intoxicating liquors, or any wine, beer, or malt liquor, or any mixed liquor, a part of which is spirituous or intoxicating, to a minor, nor to any adult person whatever, known to him to be an habitual drunkard, nor to any person in the habit of getting intoxicated, nor to any person of Indian descent, nor to any person whose husband, wife, parent, child, guardian, or employer may give him notice in writing that such person has acquired, or is acquiring the habit of drinking to excess, and is being injured thereby, except as a medicine by druggists, as provided in section one of this act, and that he will pay all damages, actual and exemplary, that may be adjudged to any person for injuries inflicted upon them, either in person or property, or means of support, by reason of his selling, furnishing, giving or delivering any such liquors.

Now, the condition of this obligation is such that if said principal shall well and truly keep and perform all and singular the foregoing covenants and agreements, and shall pay any judgment for

actual or exemplary damages which may be recovered against him in any court of competent jurisdiction, then this obligation shall be void and of no effect, otherwise the same shall be in full force and effect.

Signed and sealed in the presence of

----- [L. S.]
----- [L. S.]
----- [L. S.]

Such bond shall not be received unless the approval thereof by the township board or the board of trustees or common council of the village or city shall be duly certified thereon in writing, and the principal shall not be allowed to sell spirituous or fermented liquors in any other place than that specified in said bond without giving notice and executing another bond in the manner above prescribed. Whenever any condition of said bond shall be broken, a new bond may be required by the county treasurer or the township board, the board of trustees, or the common council of the village or city in which such bond was originally approved, and also in case of the death, insolvency, or removal of either of the sureties, and in any other contingency requiring it.

SEC. 2. There shall be added to said act a new section to stand as section 6, and to read as follows: Section added.

SEC. 6. It shall be the duty of all sheriffs and their deputies, constables, city and village marshals, and police officers of this State, to enforce the provisions of sections one and two of this act, and also, of all citizens, having knowledge of any violation of such provisions, to give information thereof to such officers, or to the prosecuting attorney of the county, and on their request to make complaints, and aid in procuring the evidence necessary for the prosecution thereof. And it shall be the duty of all prosecuting attorneys and city and village attorneys of this State to give advice and counsel to all such officers or citizens, in such cases, free of charge, to draw complaints, when requested by them, and to prosecute all cases instituted for the enforcement of the penal provisions of this act. Duties of officers and citizens as to enforcing provisions of act.

SEC. 3. This act shall take immediate effect.

Approved May 22, 1877.

[No. 194.]

AN ACT to provide for the organization, regulation, and management of the asylums for the insane, and effectually to provide for the care, maintenance, and recovery of the insane.

SECTION 1. *The People of the State of Michigan enact, That* the asylum for the insane located at Pontiac shall be known as the Eastern Michigan Asylum, and the asylum located at Kalamazoo shall continue to be known as the Michigan Asylum for the Insane. Asylums, how known.

Separate boards.] The said asylums shall each be placed under the charge of a separate board of trustees.

Eastern Michigan Asylum district. SEC. 2. The district of the Eastern Michigan Asylum shall be composed of all counties lying east of the meridian line, or traversed by that line, excepting the counties of Jackson, Mackinaw, and Chippewa. The district of the Michigan Asylum for the insane shall be composed of the remaining part of the State.

Michigan Asylum district. SEC. 3. The board of trustees of the Michigan Asylum for the insane shall consist of six, and be appointed and hold their offices in accordance with the laws heretofore enacted organizing and regulating that institution.

Board of trustees of Michigan Asylum. SEC. 4. The Governor, on or before the completion of the Eastern Michigan Asylum, shall appoint six trustees, who shall constitute the board for said asylum, whose terms of office shall commence within thirty days of such appointment and continue as follows: two until the first day of January, eighteen hundred and seventy-nine, two until the first day of January, eighteen hundred and eighty-one, and two until the first day of January, eighteen hundred and eighty-three, and until their successors are appointed and qualified.

Board of trustees of Eastern Asylum. SEC. 5. The Governor by and with the advice and consent of the Senate, shall, during the session of the Legislature, in the year eighteen hundred and seventy-nine, appoint two trustees for the Eastern Michigan Asylum, who shall hold their office six years, and until their successors are appointed and qualified; and at each succeeding session of the Legislature there shall be appointed in like manner two trustees for said asylum, who also shall hold their office six years, and until their successors are appointed and qualified.

Idem. SEC. 6. The Governor shall have power, and it shall be his duty, whenever any vacancy shall occur in said boards, by death, removal or otherwise, to appoint such suitable person or persons to fill such vacancy, who shall hold their office until the next session of the Legislature, and until such vacancy shall be filled as aforesaid. The government and sole and exclusive control of the Michigan Asylums for the insane, shall be vested in said boards of trustees, and two of each board shall reside within three miles of their respective asylums.

Vacancies in boards. SEC. 7. Said boards shall have the general direction and control of all the property and concerns of the institution [institutions] not otherwise provided for by law, and shall take charge of their general interests, and see that their designs be carried into effect, and everything done faithfully according to the requirements of the Legislature, and the by-laws, rules and regulations of the asylums.

Government, etc., vested in board. SEC. 8. The board of trustees shall severally appoint a medical superintendent, who shall be a well educated physician, experienced in the treatment of the insane; and a treasurer, not one of their own number, who shall give bonds for the faithful performance of his trust in such sum and with such sureties as the Auditor General of the State shall approve. They shall also appoint, upon the nomination of the medical superintendent, a steward, chaplain and

General power of boards.

Officers appointed by board.

a matron, and also in like manner an assistant medical superintendent and three assistant physicians for the Michigan Asylum for the Insane, and two assistant physicians for the Eastern Michigan Asylum. All medical officers shall constantly reside in the asylums.

SEC. 9. The trustees shall from time to time determine the annual salaries and allowances of the officers, and such salaries shall not exceed in the aggregate the sum of ten thousand dollars for the Michigan Asylum, nor the sum of seven thousand dollars for the Eastern Michigan Asylum, for any one year. Salaries of officers.

SEC. 10. The salaries of the officers of the asylums aforesaid shall be paid quarterly, on the first days of January, April, July, and October in each year, by the Treasurer of the State on the warrant of the Auditor General, out of any moneys belonging to the general fund to the treasurer of the asylum, on his presenting a bill of particulars signed by the steward and certified by the medical superintendent. Payment of salaries.

SEC. 11. The trustees may take and hold in trust for the State, any grant or devise of land or any donation or bequest of money, or other personal property to be applied to the maintenance of insane persons and the general use of the asylums. Trustees may hold property in trust.

SEC. 12. The treasurer and officers aforesaid, before entering upon their respective duties, shall severally take the oath prescribed by the constitution. Official oath.

SEC. 13. The trustees are hereby directed and empowered to establish such by-laws as they may deem necessary and expedient for regulating the appointment and duties of officers, attendants, and assistants, for fixing the conditions of admissions, support, and discharge of patients, and for conducting in a proper manner the business of the institution; also, to ordain and enforce a suitable system of rules and regulations for the internal government, discipline, and management of the asylums. Trustees may establish by-laws and rules.

SEC. 14. The medical superintendent shall be the chief executive officer of the asylum. He shall have the general superintendence of the buildings, grounds, and farm, together with the furniture, fixtures, and stock; and the direction and control of all persons therein, subject to the laws and regulations established by the trustees. He shall daily ascertain the condition of all the patients, and prescribe their treatment in the manner directed in the by-laws. He shall have the nomination of his co-resident officers, with power to assign them their respective duties, subject to the by-laws; also to appoint, with the approval of the trustees, such and so many other assistants and attendants as he may think necessary and proper for the economical and efficient performance of the business of the asylum, and to prescribe their several duties and places, and to fix with the approval of the trustees, their compensation, and to discharge any of them at his sole discretion; but in every case of discharge he shall forthwith record the same, with the reasons under an appropriate head, in one of the books of the asylum. He shall also have the power to suspend until the next monthly meeting Powers and duties of medical superintendent.

of the trustees, for good and sufficient cause, a resident officer; but in such case he shall forthwith give written notice of the fact, with its causes and circumstances, to one of the trustees, whose duty thereupon shall be to call a special meeting of the board to provide for the exigency. He shall also, from time to time, give such orders and instructions as he may judge best calculated to ensure good conduct, fidelity and economy in every department of labor and expense; and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce strict compliance with such instructions, and uniform obedience to all the rules and regulations of the asylum. He shall further cause full and fair accounts and records of all his doings, and the entire business and operations of the institution, to be kept regularly from day to day in books provided for that purpose, in the manner and to the extent prescribed in the by-laws; and he shall see that all such accounts and records are fully made up to the last day of September immediately preceding the meeting of the Legislature, and that the principal facts and results, with his report thereon, be at that time presented to the trustees. The assistant medical superintendent shall perform the duties and be subject to the responsibilities of the medical superintendent in his sickness or absence.

Duties of assistant medical superintendent.

Officers, etc., exempt from serving on juries, etc.

SEC. 15. The officers of the asylums and all attendants and assistants actually employed therein, during the time of such employment, shall be exempt from serving on juries, from all assessment for labor on the highways, and, in time of peace, from all service in the militia; and the certificate of the superintendent shall be evidence of the fact of such employment.

Record of the doings of trustees.

SEC. 16. The trustees shall keep in a bound book, to be provided for that purpose, a fair and full record of all their doings, which shall be open at all times to the inspection of the Governor of the State, and all persons whom he, or either house of the Legislature, may appoint to examine the same.

Inspection of asylum by trustees.

SEC. 17. The trustees shall maintain an effective inspection of the asylum, a committee for which purpose shall visit it once every month, a majority once every quarter, and the whole board once a year, at the times and in the manner prescribed in the by-laws. In a book kept by the board of trustees for this purpose, the visiting trustee or trustees shall note the date of each visit, the condition of the house, patients, etc., with remarks of commendation or censure, and all the trustees present shall sign the same. The general result of these inspections, with suitable hints, shall be inserted in the annual report, detailing the past year's operations, and actual state of the asylum, which the board shall make to the Legislature in the month of January, in each alternate year, accompanied with the reports of the medical superintendent and treasurer.

Board of trustees to be admitted to every part of asylum, etc.

SEC. 18. It shall be the duty of the medical superintendent to admit any of the board of trustees into every part of the asylum, and to exhibit to him or them on demand, all the books, papers and accounts, and writings belonging to the institution, or pertaining

to its business, management, discipline or government, also to furnish copies, abstracts and reports whenever required by the board.

SEC. 19. The treasurer shall have the custody of all moneys, bonds, notes, mortgages, and other securities and obligations belonging to the asylum. Said moneys shall be disbursed only for the uses of the asylum, and in the manner prescribed in the by-laws, upon the written order of the steward, countersigned by the medical superintendent, specifying the object of the payment. He shall keep full and accurate accounts of the receipts and payments, in the manner directed in the by-laws, and such other accounts as the board of trustees shall prescribe. He shall further render an account of the state of his books, and of the funds and other property in his custody, whenever required so to do by the board of trustees.

Treasurer,
powers and
duties.

SEC. 20. The treasurer of the asylum shall be vested with the same powers, rights, and authority which are now by law given to superintendents of the poor in any county or town of the State, so far as may be necessary for the indemnity or benefit of the asylum, and for determining the settlement of any insane person that may be sent to the asylum by an order of a judge of probate, and also for the purpose of compelling a relative or committee to defray the expense of an insane person's support in the asylum, and reimburse actual disbursements for his necessary clothing and traveling expenses, according to the by-laws of the institution; also for coercing the payment of similar charges when due, according to said by-laws, from any town, city, or county that is liable for the support of any insane person in said asylum. Said treasurer is also authorized to recover, for the use of the asylum, any and all sums which may be due upon any note or bond in his hands belonging to the asylum; also any and all sums which may be charged and due, according to the by-laws of the asylum; also any and all sums which may be charged and due according to the by-laws of the asylum, for the support of any patient therein, or for actual disbursements made in his behalf, or for necessary clothing and traveling expenses, in an action to be brought in said treasurer's name as treasurer of the asylum, and which shall not abate by his death or removal, against the individual, town, city or county legally liable for the maintenance of said patient, and having neglected to pay the same when demanded by the treasurer; in which action the declaration may be in a general *indebitatus assumpsit*, and judgment shall be rendered for such sum as shall be found due, with interest from the time of demand made as aforesaid. Said treasurer may also, upon the receipt of the money due upon any mortgage in his hands belonging to the asylum, execute or release and acknowledge full satisfaction thereof, so that the same may be discharged of record.

Vested with powers
of superin-
tendents of poor.

Other powers.

SEC. 21. The steward, under the direction of the medical superintendent, shall make all the purchases for the asylum, and preserve the original bills and receipts thereof, and keep full and accurate accounts of the same, and copies of all orders drawn by himself upon the treasurer. He shall also, under like direction,

Steward, powers
and duties.

make contracts in the superintendent's name with the attendants and assistants, and keep and settle their accounts. He shall also keep the accounts of the support of patients, and expenses incurred in their behalf, and furnish the treasurer every month with copies of such as fall due. He shall also be accountable for the careful keeping and economical use of all furniture, stores, and other articles provided for the asylum.

Notice when Eastern Asylum ready for admission of patients.

* SEC. 22. As soon as the Eastern Michigan Asylum shall be ready for the admission of patients, the board of trustees shall cause notice thereof to be published for two weeks in some paper of the State, and four copies sent to the clerk of every county, who shall transmit copies thereof to the superintendents of the poor of said county by mail. A circular from the medical superintendent shall accompany said notice to each county clerk, and to the superintendents of the poor.

County superintendents and supervisors to send insane persons to asylum.

SEC. 23. The county superintendents of the poor of any county, or any supervisor of any city or town to which a person who shall become insane may be chargeable, shall send such person to the asylum by an order under their hands: *Provided*, The question of insanity shall not be decided by said superintendents or supervisor: [*And*] *provided further*, That the asylum can receive said person.

Confinement of insane persons, etc.

SEC. 24. No insane person, or person disordered in his senses, shall be confined in the same room with any person charged with or convicted of crime; nor shall such person be confined in any jail more than ten days.

Penalty for confining insane person contrary to law.

SEC. 25. Any director of the poor, constable, or keeper of a jail, or other person, who shall confine any such insane person in any other manner or in any other place than such as are herein prescribed, shall be deemed guilty of a misdemeanor, and, on conviction, shall be liable to a fine not exceeding two hundred and fifty dollars, or to imprisonment not exceeding one year, or to both, in the discretion of the court before whom [which] the conviction shall be had.

How persons in indigent circumstances may be sent to asylums.

SEC. 26. When a person in indigent circumstances, and not a pauper, becomes insane, application may be made in his behalf to the probate judge of the county where he resides; and said probate judge shall call two respectable physicians, and other credible witnesses, and also immediately notify the prosecuting attorney of his county, and the supervisor of the township or ward in which such insane person resides, of the time and place of meeting, whose duty it shall be to attend the examination and act in behalf of said county; and said probate judge shall fully investigate the facts in the case, and either with or without the verdict of a jury, at his discretion, as to question of insanity, shall decide the case as to his indigence, but the decision as to indigence shall not be conclusive in such county; and if the probate judge certifies that satisfactory proof has been adduced, showing him insane, and his estate is insufficient to support him and his family, or if he has no family, himself, under the visitation of insanity, on his certificate under the seal of the probate court of said county, he shall be ad-

mitted into the asylum, and supported there at the expense of the county to which he belongs, until he shall be restored to soundness of mind, if effected in two years, and until otherwise ordered. The judge of probate in such case shall have power to compel the attendance of witnesses and jurors, and shall file the certificates of the physicians, taken under oath, and other papers, in his office, and enter the proper order in his [the] journal of the probate court in his office. The judge of probate shall report the result of his proceedings to the supervisors of his county, if such person belongs to that county whose duty it shall be, at the next annual meeting thereafter, to raise money requisite to meet the expenses of support accordingly.

SEC. 27. County and town officers and all persons having charge of insane persons as above, shall see to carrying into effect so much of this act as refers to the removal to and maintenance in the asylum, of said insane persons, within such time and under such regulations as shall be provided by [the] by-laws. Duty of officers.

SEC. 28. The medical superintendent shall make, in a book kept for that purpose, at the time of reception, a minute with date of same, the name, residence, office, and occupation of the person by whom, and by whose authority each insane person is brought to the asylum; and have all the orders, warrants, requests, certificates, and other papers accompanying him forthwith filed. Minute of date of reception, name, etc., to be made by superintendent.

SEC. 29. When an insane person in indigent circumstances shall have been sent to the asylum by his friends who have paid his bills therein for three months, if the superintendent shall certify he is a fit patient, the supervisors of the county of his residence are authorized and required, upon an application under oath in his behalf, to defray the expenses of his remaining there until otherwise ordered. Expenses of persons in indigent circumstances paid by county in certain cases.

SEC. 30. When a person shall have escaped indictment, or shall have been acquitted of a criminal charge, upon trial, on the ground of insanity, the court, being certified by the jury or otherwise of the fact, shall carefully inquire and ascertain whether his insanity in any degree continues, and if it does, shall order him in safe custody, and to be sent to the asylum. If such person be sent to the asylum, the county from which he is sent shall defray all his expenses while there and of sending him back, if returned; but the county may recover the amount so paid from his estate, if he have any, or from any relative, town, city, or county that would have been bound to provide for and maintain him elsewhere. When person is acquitted of criminal charge on ground of insanity.

SEC. 31. If any person in confinement under indictment, or under sentence of imprisonment, or under criminal charge, or for want of bail for good behavior or keeping the peace, or to appear as a witness, or in consequence of any summary conviction, or by order of any justice, or under any other than civil process, shall appear to be insane, the circuit court commissioner of the county where he is confined, or, if he be absent, the judge of the circuit court shall, upon the application of the prosecuting attorney, institute a careful investigation, call two respectable physicians and When person confined under criminal charge, etc., appears to be insane.

other creditable witnesses, whom he is authorized to swear as such; and if it be satisfactorily proved that he is insane, said commissioner or judge may relieve him from such imprisonment, and order his safe custody and removal to the asylum, where [he] shall remain until he is restored to his right mind, and then the superintendent shall inform the said commissioner or judge, and the county clerk and prosecuting attorney of said county, so that the person so confined may, within sixty days thereafter, be remanded to prison and criminal proceedings be resumed or otherwise discharged, or, if the time of his sentence shall have expired, he shall be discharged. The provisions of the last preceding section, requiring the county to defray the expenses of a patient sent to the asylum, shall be equally applicable to similar expenses arising under this section and the one next following.

When person imprisoned on civil process, etc., becomes insane.

SEC. 32. If a person imprisoned on attachment, or any civil process, or for the non-payment of a militia fine, becomes insane, the commissioner in the last preceding section of this act, shall institute like proceedings in his case as required in the case provided for in said section; but notices shall be given in such case, by mail or otherwise, to the plaintiff or his attorney, if in the State; and if it shall be proved to the satisfaction of such commissioner that the prisoner is insane, he may discharge him from imprisonment, and order him into safe custody, and to be sent to the asylum; nevertheless, the creditor may renew his process, and arrest again his debtor when of sound mind.

Persons charged with misdemeanors and acquitted

SEC. 33. Persons charged with misdemeanors, and acquitted on the ground of insanity, may be kept in custody, and sent to the asylum, in the same way as persons charged with crime.

Weekly charge for patients.

SEC. 34. The rate of charge per week to be paid for the board and necessary treatment of all patients of the asylums, who are residents of this State, shall be annually fixed by the trustees of the asylums, and shall not exceed the actual cost of support and attendance, exclusive of officers' salaries; but this provision shall not be construed so as to prevent the furnishing extra care and attendance to patients by special contracts with parties chargeable therefor. On the first day of January, in the year eighteen hundred and seventy-nine, and at the close of each succeeding quarter, the medical superintendents of the asylums, shall certify to the Secretary of State, the name, age and residence of all patients under treatment, the expense of whose maintenance shall have been exclusively paid by any county for two years continuously, and such patients shall thereafter be maintained by the state. The bills for the maintenance, clothing and other charges of such patients, shall be rendered quarterly to the Auditor General in the same manner as bills are rendered to county treasurers for the support of patients at county charge, and shall be paid by the State Treasurer to the treasurers of the asylums in which the patients may be, on the warrant of the Auditor General, out of any moneys belonging to the general fund.

Quarterly statement to Secretary of State of persons to be maintained by State.

Bills rendered quarterly to Auditor General.

Payment by State Treasurer.

Insane persons personally liable for their support.

SEC. 35. Every insane person supported in the asylum, except those provided for in section thirty-four, shall be personally liable

for his maintenance therein, and for all necessary expenses incurred by the institution in his behalf; and the committee, relatives, city, town or county, that would have been bound by law to provide for and support him, if he had not been sent to the asylum, shall be liable to pay the expenses of his clothing and maintenance in the asylum, and actual necessary expenses to and from the same.

Relatives, city,
etc., liable.

SEC. 36. The expenses of clothing and maintaining in the asylum a patient who has been received upon the order of any court or officer, shall be paid by the county from which he was sent to the asylum, except those provided for in section thirty-four. The treasurer of said county is authorized and directed to pay to the treasurer of the asylum the bills for such clothing and maintenance, as they shall become due and payable according to the by-laws of the asylum, upon the order of the steward; and the supervisors of said county shall annually levy and raise the amount of such bills, and such further sum as will probably cover all similar bills for one year in advance. Said county, however, shall have the right to require any individual, town or city that is legally liable for the support of such patient, to reimburse the amount of said bills with interest from the day of paying the same.

Payment for
support by coun-
ties.

SEC. 37. Whenever the trustees shall order a patient moved from the asylum to the county whence he came, the superintendents of the poor of said county shall audit and pay the actual and reasonable expenses of such removal out of the county poor fund. But if any town or person be legally liable for the support of such patient, the amount of such expenses may be recovered for the use of the county, by such superintendents. If said superintendents of the poor neglect or refuse to pay such expenses on demand, the treasurer of the asylum may pay the same and charge the amount to the said county, and the treasurer of the said county is authorized to pay the same, with interest after thirty days; and the supervisors of said county shall levy and raise the amount as other county charges.

Payment of ex-
penses for re-
moval from asy-
lum
back to counties.

SEC. 38. Every town or county paying for the support of an insane person in the asylum, or for his expenses in going to or from the same shall have the like rights and remedies to recover the amount of such payments, with interest from the time of paying each bill, as if such expenses had been incurred for the support of the same at other places under existing laws.

Right of coun-
ties, etc., to
recover for sup-
port of insane.

SEC. 39. A patient of the criminal class may be discharged by order of one of the justices of the Supreme Court or a circuit judge, if upon due investigation it shall appear safe, legal, and right to make such order.

Who may dis-
charge patients
of a criminal
class.

SEC. 40. No patient shall be discharged without suitable clothing; and if it cannot otherwise be obtained, the steward shall, upon the order of the trustees, furnish it, also money not exceeding twenty dollars, to defray his expenses until he reaches his friends or can find an opportunity to earn his subsistence.

Patients not to
be discharged
without suitable
clothing, etc.

SEC. 41. All town and county officers sending a patient to the asylum shall, before sending him, see that he is in a state of perfect bodily cleanliness, and is comfortably clothed and provided

Duty of county
officers, etc., as
to condition of
patients sent to
asylums.

with suitable changes of raiment as prescribed in the by-laws; and shall provide a female attendant to every female patient unless accompanied by her husband, father, brother, or son.

Expenses for support when residence is uncertain, how determined.

Appeal.

Provision for payment of expenses when counties neglect or refuse to pay.

Notice to county clerk.

Payment by State Treasurer.

Charged back to county.

Compensation of trustees.

Superintendents of the poor, etc., to report to Secretary of Board of State Charities.

SEC. 42. Whenever an indigent insane person has been sent to the asylum by a probate judge as having gained a legal settlement in some county of this State other than that in which such judge resides, the treasurer of the asylum shall, within ten days after such person has been admitted, give notice to the superintendents of the poor of the county to which it is alleged that such indigent insane person belongs of the facts in the case, and that the expenses of the support of such person will be charged to that county, unless such superintendents shall, within such time as the treasurer may appoint, not less than twenty days nor more than thirty days thereafter, show that such county ought not to be so charged; and on application, said treasurer shall examine the matter, and hear all the testimony in relation thereto, and shall decide the question, which decision shall be final, unless an appeal shall be taken from such decision within sixty days to the circuit court by the county so charged by such treasurer with such support, and said court shall have full power to hear, try and determine the matter. The prosecuting attorney of the proper county on demand of the superintendents of the poor is hereby authorized to take the appeal.

SEC. 43. In case any county in this State shall neglect or refuse to pay the amount due the asylum for the treatment and maintenance of persons admitted from such county, in accordance with the provisions of this act, it shall be the duty of the medical superintendent to make out a statement of the facts, giving the number of persons, name of each, and number of weeks' treatment and maintenance for which payment is due, and the amount of the same to be verified upon his oath, a copy of which he shall send to the clerk of the county from which such money is due; and if the same shall not be paid within sixty days after giving such notice to the said county clerk, he shall transmit the statement to the Auditor General, who shall draw his warrant upon the State Treasurer for the amount, together with the interest thereon, to be computed from the time the same became due the asylum, and charge the same back to the said county, to be assessed, collected and returned with and in the same manner that other State taxes are assessed, collected and returned.

SEC. 44. The trustees of the asylum shall receive no compensation for their services, but shall receive their actual and reasonable traveling expenses, to be paid by the State Treasurer on the warrant of the Auditor General, on the rendering of their accounts, verified by their oaths, respectively, out of any money to the credit of the general fund not otherwise appropriated.

SEC. 45. The superintendents of the poor of each county in the State shall transmit to the Secretary of the Board of State Charities on the first day of July in the year eighteen hundred and seventy-seven, the name and age of each insane person in the poor-house of the county or elsewhere, receiving county aid in any form.

Every county, city, or town officer to whom application for aid in behalf of any insane person shall be made after the date before mentioned, shall at once report the name and age of such insane person to the Secretary of the Board of State Charities. The medical superintendents of the asylum shall report quarterly to the Secretary of the Board of State Charities the name and age of all patients supported at State or county charge. After the date above mentioned all the officers named in this section shall report to the Secretary of the Board of State Charities the date and circumstances attending the discharge, removal, elopement, or death of all insane persons receiving aid or supported at county or State charge. The Board of State Charities shall provide for the careful registry by their secretary of all facts communicated in compliance with the requirements of this section.

SEC. 46. When an indigent insane person shall be brought before a judge of probate for examination, as provided in section twenty-six of this act, such judge shall also inquire into the settlement of such person, and if it shall appear that such person is in indigent circumstances, and has not sufficient means for his support, and has not a legal settlement in the county of such judge, but has gained a legal settlement in some other county of this State according to the provisions of sections eighteen hundred and forty-eight and eighteen hundred and forty-nine of the compiled laws, said judge shall make two statements of his proceedings and decision, and shall certify to the correctness thereof, under the seal of the probate court, and transmit one copy, with the other proceedings, to the treasurer of the asylum, who shall preserve the same in his office; which statement shall be admitted as *prima facie* evidence of the matter therein stated in any hearing that may be had before said treasurer in relation thereto, and shall file the other copy with the county clerk of his county. The probate judge shall have the same powers in determining the settlement of an indigent insane person as is conferred upon him in section twenty-six of this act. If, on the examination herein provided for, it shall satisfactorily appear that said insane person has not acquired a legal settlement in any county in this State, the judge of probate shall forward a certified copy of all the testimony in the case to the Secretary of State. The bills for the maintenance of such insane person shall be rendered quarterly to the Auditor General, at the same time and in the same manner as bills are rendered to county treasurers, and shall be paid to the treasurer of the asylum to which the insane person may be sent, by the State Treasurer, on the warrant of the Auditor General, out of any moneys belonging to the general fund. It shall be the duty of the Secretary of State to ascertain, if possible, through the testimony filed or otherwise, the actual residence of such insane person, return him thereto, and request reimbursement for all expenses incurred by the State; the expenses attending such return to be settled by the Board of State Auditors.

Judge of probate to inquire into legal settlement of indigent insane.

Statements relative thereto.

When insane person has not acquired a legal settlement in any county.

Payment of bills.

Secretary of State to ascertain residence if possible, etc.

SEC. 47. It shall be the duty of the board [boards] of trustees to

Joint meetings of board of trustees.

Transfer of patient from one asylum to the other.

Certain terms used in this act, what to include.

When Eastern Asylum shall be opened no insane to be confined in alms houses.

When requirements to send insane to Eastern Asylum to take effect.

Acts repealed.

meet jointly once or more every year at each asylum, to adjust all questions that may arise pertaining to said institutions, and the said joint board acting under such rules and by-laws as they may adopt, by and with the advice and consent of the medical superintendents, may transfer patients from the Michigan Asylum for the Insane to the Eastern Michigan Asylum, and from the Eastern Michigan Asylum to the Michigan Asylum for the Insane, if for any cause it may become necessary or desirable.

SEC. 48. The terms "insane or insane person," as used in this act, include every species of insanity, and extend to every deranged person, and to all of unsound mind, other than idiots; and the word oath includes "affirmation;" "institution" may mean either the Michigan Asylum or the Eastern Michigan Asylum, and "institutions" mean both of the said asylums. A word denoting the singular number is to include one or many; and every word importing the masculine gender may extend to and include females. Every provision of this act applies equally to the Michigan Asylum for the Insane and the Eastern Michigan Asylum, excepting where one or the other are especially designated.

SEC. 49. After the Eastern Michigan Asylum shall have been opened for patients, and room shall be sufficient for all the insane wards of the State, then and thereafter it shall be illegal for county superintendents of the poor or for any other authority whatever to consign to the county almshouses any insane person.

SEC. 50. The requirements for sending the insane to the Eastern Michigan Asylum, shall take effect as soon as the trustees' notice of the asylum being ready as aforesaid, shall have been published for two weeks, as provided in this act.

SEC. 51. All acts and parts of acts, contravening the provisions of this act, are hereby repealed.

SEC. 52. This act shall take immediate effect.

Approved May 22, 1877.

[No. 195.]

AN ACT to amend sections eleven, twelve, and thirteen of chapter forty-eight of the compiled laws of eighteen hundred and seventy-one, being compiler's sections one thousand seven hundred and eighty-eight, one thousand seven hundred and eighty-nine, and one thousand seven hundred and ninety, as amended by act number one hundred and forty of the session laws of eighteen hundred and seventy-five, approved April twenty-eighth, eighteen hundred and seventy-five, in relation to the sale and conveyance of lands delinquent for township drain taxes.

Sections amended.

SECTION 1. *The People of the State of Michigan enact, That* sections eleven, twelve, and thirteen of chapter forty-eight of the compiled laws of eighteen hundred and seventy-one, being compiler's sections one thousand seven hundred and eighty-eight, one thousand seven hundred and eighty-nine, and one thousand seven

hundred and ninety, as amended by act number one hundred and forty of the session laws of eighteen hundred and seventy-five, approved April twenty-eighth, eighteen hundred and seventy-five, in relation to sale and conveyance of lands delinquent for township drain taxes, be and the same is hereby so amended [so] as to read as follows :

SEC. 11. If the taxes so levied are not collected by the town treasurer, the land upon which they are levied shall be returned to the county treasurer, in a separate return, at the same time and manner as lands are returned for other taxes; and such taxes may be paid to the county treasurer, with ten per cent interest and cost of advertising, at any time before sales, as hereinafter provided. And a list of such uncollected taxes shall be returned to the Auditor General for the information of non-resident owners, but no application to pay the same at the Auditor General's office shall relieve the lands from such taxes, until the same are actually paid to the county treasurer.

When ditch tax not collected lands returned to county treasurer.

List of uncollected taxes returned to Auditor General.

SEC. 12. If such taxes, interest, and costs are not so paid to the county treasurer, he shall advertise and sell the same as delinquent ditch lands, at the same time, place, and manner as lands are advertised and sold for other taxes, and he shall give certificates to purchasers at such sales, as in other cases, and the owners of the lands or persons interested may redeem such lands as in other cases at the county treasurer's office and within same time, with ten per cent interest and cost of advertising, and twenty-five cents for the certificate, to the treasurer; and if all the lands so returned shall not be sold at public sale, those remaining may be purchased at private sale at any time, and certificates of sale given to purchasers in like manner as public sales, and may be in like manner redeemed, with interest and costs within one year from sale. Such land so returned as delinquent shall in all cases be subject to the State, county, town, school, and highway tax, which shall be a first lien on the land. The order so drawn by the township board upon the certificate of the drain commissioners for the amount of contracts performed, services rendered, and fees of officers, shall be receivable in payment of the taxes or redemption of sales at the county treasurer's office.

Lands to be sold and redeemed same as in other cases.

Certain other taxes first lien.

Township orders receivable for tax, etc.

SEC. 13. The lands so sold at public or private sale if not redeemed within one year after such sale, shall be conveyed to the purchaser or his assigns, by deed from the county treasurer, on surrender of the certificate of sale in the same manner, as near as may be, as the Auditor General is authorized to convey other lands on sales for non-payment of taxes, and the deeds so given by the county treasurer shall have the same force and effect as if given by the Auditor General, except that the same shall be subject to all State, county, town, school, and highway taxes and subordinate to State deeds for non-payment of taxes, and the same may be recorded and admitted in evidence in all courts with the same force and effect as tax deeds in other cases except as aforesaid. And all deeds executed on sales heretofore made by the Auditor General under this

When and how lands sold to be conveyed.

Force and effect
of deeds hereto-
fore made by
Auditor General.

act, and recorded by the registers of deeds of this State, are hereby declared to be of the same force and effect as if they had been heretofore authorized to be so made and recorded.

Approved May 22, 1877.

[No. 196.]

AN ACT to amend act number one hundred and eighty-one of the session laws of eighteen hundred and seventy-five, entitled "An act to provide for the inspection of illuminating oils, manufactured from petroleum or coal oils."

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That act number one hundred and eighty-one of the session laws of eighteen hundred and seventy-five, being "An act to provide for the inspection of illuminating oils, manufactured from coal oils," approved May first, eighteen hundred and seventy-five, be amended so that the same shall be and read as follows:

State inspector of
oils, appointment
of.

(276.) SECTION 1. *The People of the State of Michigan enact*, That the Governor shall appoint a suitable person, resident of the State, who is not interested in manufacturing, dealing or vending any illuminating oils manufactured from petroleum, as State

Term of office.

inspector of oils, whose term of office shall be two years from the date of appointment, or until his successor shall be appointed and shall qualify. It shall be the duty of said State inspector or his deputies hereinafter provided, to examine and test the quality of all such oils offered for sale by any manufacturer, vender, or dealer, and if, upon such testing or examination, the oils shall meet the requirements hereinafter specified, he shall fix his brand or device, viz.: "Approved," with the date over his official signature, upon the package, barrel, or cask containing the same, and it shall be lawful for any manufacturer, vender, or dealer to sell the same as an illuminator; but if the oil so tested shall not meet said requirements, he shall mark in plain letters on said package, cask, or barrel, over his official signature, the words, "Rejected for illuminating purposes;" and it shall be unlawful for the owner thereof to sell such oil for illuminating purposes; and if any person shall sell, or offer for sale such rejected oil, he shall be deemed guilty of a misdemeanor, and shall be subject to a penalty in any sum not exceeding three hundred dollars.

Brand.

Unlawful to sell
rejected oils.

Penalty.

Deputy
inspectors.

(277.) SEC. 2. The State inspector provided for in this act is hereby empowered to appoint a suitable number of deputies, which deputies are hereby empowered to perform the duties of inspection, and shall be liable to the same penalties as the State inspector: *Provided*, That the State inspector may remove any of said deputies for reasonable cause. It shall be the duty of the inspector and his deputies to provide themselves, at their own expense, with the necessary instruments and apparatus for testing the quality of said illuminating oils, and when called upon for that purpose, to

Inspectors to
provide them-
selves with in-
struments and
inspect oils when
called upon.

promptly inspect all oils hereinbefore mentioned, and to reject for illuminating purposes all oils which, by reason of being adulterated with paraffine oil or other substance, or for any other reason, will not remain colorless and transparent when cooled for ten minutes to the temperature of twenty degrees above zero of Fahrenheit's thermometer, or which will emit a combustible vapor at the temperature of one hundred and forty degrees of Fahrenheit's thermometer: *Provided*, The quantity of oil used in this last test shall not be less than half a pint. The oil tester adopted and recommended by the Michigan State Board of Health shall be used by the inspector and his deputies.

Oil tester.

(278.) SEC. 3. Every person appointed State inspector or deputy inspector shall, before he enters upon the discharge of the duties of his office, take an oath or affirmation, prescribed by the constitution and laws of this State, and shall file the same in the office of the Secretary of State. The State inspector shall execute a bond to the State of Michigan, in such sum and with such surety as shall be approved by the Secretary of State, conditioned for the faithful performance of the duties imposed upon him by this act, which bond shall be for the use of all persons aggrieved by the acts or neglect of said inspector; and the same shall be filed with the Secretary of State. The deputy inspector shall execute a bond to the State of Michigan in such sum and with such surety as shall be approved by the judge of probate, and file the same with the county clerk in the county where the deputy inspector resides. Said inspector or deputy inspector shall be entitled to demand and receive from the owner or party calling on him, or for whom he shall inspect, the sum of sixty cents for a single barrel, package, or cask, (and) forty cents each when not exceeding five in number; thirty cents each when not exceeding ten in number, and ten cents for each additional barrel, package, or cask actually inspected and branded by him in lots less than car loads, and for a car load of fifty barrels, packages or casks, ten cents for each barrel, package, or cask so inspected and branded by him, and in any case of inspection and branding, the fees shall be a lien on the oils so inspected, and it shall be the duty of every inspector or deputy inspector to keep a true and accurate record of all oils so inspected and branded by him, which record shall state the date of inspection and number of gallons or barrels, and the name of the person for whom inspected; and the record shall be open to the inspection of any and all persons interested. And it shall be the duty of every deputy inspector, within one month after the inspection by him of any oils hereinbefore mentioned, to make a true and accurate return thereof to his principal. In the month of January in each year the State inspector shall make and deliver to the Governor of the State, an annual report of the inspections by himself and deputies during the preceding calendar year. All illuminating oils manufactured or refined in this State shall be inspected before removed from the manufactory or refinery. And if any person or persons, whether manufacturer, vender, or dealer, shall sell or

Oath of inspector and deputies.

Bond of inspector.

Bond of deputy.

Fees for inspection.

Record of oils inspected.

Deputies to report annually to principal.

State inspector to report to Governor.

Inspection of oils manufactured in this State.

Penalty for selling, etc., before inspection.

attempt to sell to any person in this State, any illuminating oils, whether manufactured in this State or not, before having the same inspected as provided in this act, he shall be deemed guilty of a misdemeanor, and he shall be subject to a penalty in any sum not exceeding three hundred dollars; and if any manufacturer, vender, or dealer of either or any of said illuminating oils shall falsely brand the package, cask, or barrel containing the same, as provided in sections one and two of this act, or shall use packages, casks, or barrels having the inspector's brand thereon, without having the oil inspected, he shall be deemed guilty of a misdemeanor, and he shall be subject to a penalty in any sum not exceeding three hundred dollars, nor less than one hundred dollars, or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court.

Penalty for branding falsely.

Penalty for using oils not inspected.

SEC. 4. Any person who shall knowingly use in any lamp any illuminating oil or products of petroleum for illuminating purposes before the same has been inspected and accepted by the State inspector of oils or his deputy, shall be guilty of a misdemeanor, and, on conviction, shall pay a fine in any sum not exceeding ten dollars for each offense.

Penalty for selling casks, etc., before removing brand.

SEC. 5. Any person selling or dealing in illuminating oils produced from petroleum, who shall sell or dispose of any empty kerosene barrel, cask, or package, before thoroughly canceling, removing or effacing the inspection brand on the same, shall be guilty of a misdemeanor, and, on conviction, shall pay a fine of one dollar for each barrel, cask, or package thus sold or disposed of.

No person to adulterate, sell, or use certain oils or their products.

(281.) SEC. 6. No person shall adulterate, with paraffine or other substance for the purpose of sale or for use, any coal or kerosene oils to be used for lights, in such a manner as to render them dangerous to use; nor shall any person knowingly sell or offer to sell, or knowingly use such adulterated oil, nor shall any person knowingly sell or offer for sale or knowingly use any coal or kerosene oil, or any of the products thereof for illuminating purposes, which, by reason of being adulterated, or for any other reason, will emit a combustible vapor at the temperature less than one hundred and forty degrees of Fahrenheit's thermometer: *Provided*, That the quantity used in the test shall not be less than one-half pint: *And further provided*, That the gas or vapor from said oils may be used for illuminating purposes when the oils from which said gas or vapor is generated are contained in reservoirs under ground outside the building illuminated or lighted by said gas. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in the county jail not more than one year, or by fine not exceeding four hundred dollars, or by both fine and imprisonment, in the discretion of the court: *Provided*, That nothing in this act shall be so construed as to prevent the use in street lamps of the lighter product of petroleum, such as gasoline, benzine, benzole, or naphtha.

Proviso.

Further proviso.

Penalty for violating provisions of this section.

Proviso.

SEC. 7. Any person or persons who sell or keep for sale any

illuminating oil manufactured from petroleum, shall be held responsible for any violation of the provisions of this act by any clerk or person in their employ in the sale of said illuminating oil.

Seller of oils responsible for sales by clerk.

(279.) SEC. 8. It shall be the duty of the inspector, or any deputy inspector, who shall know of the violation of any of the provisions of sections one, three, four, five, or six of this act to enter complaint before any court of competent jurisdiction against any persons so offending. And in case any inspector, or deputy inspector, having knowledge of the violation of the provisions of sections one, three, four, or six of this act, and shall neglect to enter complaint as required by and provided for in this section, he shall be deemed guilty of a misdemeanor.

Inspectors to make complaint for violation of provisions of this act.

Failure deemed misdemeanor.

(280.) SEC. 9. No inspector or deputy inspector shall, while in office, traffic directly or indirectly in any article which he is appointed to inspect. For the violation of any of the provisions of this act he shall be liable to the penalty not exceeding one thousand dollars.

Not to traffic in oils.

Penalty for violation of provisions of this act.

SEC. 10. It shall be the duty of the Governor to remove from office and to appoint a competent person in the place of any State inspector who is unfaithful in the duties of his office.

Governor to remove incompetent inspectors, and appoint their successors.

(282.) SEC. 11. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Acts repealed.

Approved May 23, 1877.

[No. 197.]

AN ACT to amend sections one, three, five, six, seven, eight, nine, ten, eleven, twelve, fourteen, and seventeen of act number two hundred and twenty-eight of the laws of eighteen hundred and seventy-five, entitled "An act for the taxation of the business of manufacturing and selling spirituous and intoxicating, malt, brewed, or fermented liquors," and to repeal act number seventeen, approved February three, eighteen hundred and fifty-five, entitled "An act to prevent the manufacture and sale of spirituous and intoxicating liquors as a beverage," and all acts amendatory thereof, or in addition thereto, said acts being sections two thousand one hundred and thirty-six, two thousand one hundred and thirty-seven, two thousand one hundred and thirty-eight, two thousand one hundred and thirty-nine, two thousand one hundred and forty, two thousand one hundred and forty-one, two thousand one hundred and forty-two, two thousand one hundred and forty-three, two thousand one hundred and forty-four, two thousand one hundred and forty-five, two thousand one hundred and forty-six, two thousand one hundred and forty-seven, two thousand one hundred and forty-eight, two thousand one hundred and forty-nine, two thousand one hundred and fifty, two thousand one hundred and fifty-one, two thousand one hundred and fifty-two, two thousand one hundred and fifty-three, two thousand one hundred and fifty-four of the compiled laws of

eighteen hundred and seventy-one, and also act number one hundred and fifty of the session laws of eighteen hundred and seventy-three, entitled "An act to prevent the sale of spirituous and intoxicating drinks as a beverage," the same being a new section to chapter sixty-nine of the compiled laws of eighteen hundred and seventy-one, being an act relative to "the manufacture and sale of spirituous and intoxicating drinks as a beverage," to stand as section twenty-two.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections one, three, five, six, seven, eight, nine, ten, eleven, twelve, fourteen, and seventeen of the said act number two hundred and twenty-eight of the session laws of eighteen hundred and seventy-five, shall be and the same are amended so that said sections shall be and read as follows:

Tax on manu-
facture and sale
of liquor provi-
ded for.

How levied.

SECTION 1. In all townships, cities, and villages of this State there shall be annually levied and collected the following tax upon the business of manufacturing, selling, or keeping for sale by all persons whose business in whole or in part consists in selling or keeping for sale, or manufacturing distilled or malt liquors, or mixed liquors, as follows: Upon the business of selling or offering for sale spirituous or intoxicating liquors, or mixed liquors, by retail, or any patent medicine mixture or compound which in whole or in part consists of spirituous or intoxicating liquors, the sum of one hundred and fifty dollars per annum; upon the business of selling or offering for sale by retail, any malt, brewed or fermented liquors, fifty dollars per annum; upon the business of selling brewed or malt liquors at wholesale or at wholesale and retail, one hundred dollars per annum; upon the business of selling spirituous or intoxicating liquors at wholesale or at wholesale and retail, three hundred dollars per annum; upon the business of manufacturing brewed or malt liquors for sale, if the quantity manufactured be over five barrels and does not exceed fifteen hundred barrels, fifty dollars, if over fifteen hundred barrels and not exceeding five thousand barrels, one hundred dollars; if five thousand barrels or over, the sum of two hundred dollars per annum; upon the business of manufacturing for sale spirituous or intoxicating liquors, three hundred dollars. No person paying a tax on spirituous or intoxicating liquors under this act shall be liable to pay any tax on the sale of malt, brewed and fermented liquors. No person paying a manufacturer's tax on brewed or malt liquors under this act shall be liable to pay a wholesale dealer's tax on the same.

Assessment and
collection of tax.

SEC. 3. The taxes herein provided for shall be assessed, levied and collected by the same officers, and in the same time and manner as the taxes upon personal property, except as herein otherwise provided. But no person shall engage in any business mentioned in this act after the first Wednesday succeeding the third Monday in May in each and every year until he has first notified, in writing, the assessing officer, whose duty it would be to assess the tax herein above provided to be levied on such business, that he intends to commence the same (naming the time when, and the place where);

nor until he has also paid to the county treasurer of the proper county, the full amount of the tax therefor, required by this act. And any person violating the foregoing shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine not exceeding one hundred dollars and costs of prosecution, and on failure to pay such fine and costs, shall be imprisoned not exceeding ninety days: *Provided*, Nothing herein contained shall be construed to exempt any species of property from taxation under the general laws and all annual taxes herein provided for shall be for the year commencing on the first day of May, and shall be deemed payable and due at the time of the delivery of the assessment roll to the county treasurer as hereinafter provided.

Proviso.

SEC. 5. On the first Wednesday after the third Monday in May it shall be the duty of the assessor to be present at his office from eight o'clock in the forenoon until twelve o'clock noon, and from one o'clock in the afternoon until five o'clock in the afternoon, for the purpose of reviewing such assessment roll, and so on the next two following days; and on the request of any person, corporation, company, or copartnership, his, its, or their agents or attorney considering themselves aggrieved, on sufficient cause being shown to the satisfaction of such assessor, he shall alter such assessment in such manner as may be necessary in order to conform to the provisions of this act; and he shall also, upon sufficient cause being shown by any credible person, add to said roll the name of any other person, corporation, association, company, or copartnership engaged in any business liable to be taxed under the provisions of this act, the kind of business, and the amount of tax to be paid according to the provisions of this act; and the said assessor shall receive two dollars per day for each day's service performed under this act, and for traveling in making such service, on the usual traveled route, ten cents per mile for going only, to be computed from the office of the assessor making such service, and the like traveling fees for making his return to the county treasurer, to be audited and allowed by the township board, the village trustees, or the common council, and paid out of the contingent funds of said township, village, or city.

Review and correction of roll.

Compensation of assessor.

SEC. 6. When said assessor has reviewed and completed his roll, it shall be his duty to attach thereto, signed by him, a certificate which may be in the following form: "I do hereby certify that I have set down in the above assessment roll all of the places where the business of manufacturing, selling, or offering for sale spirituous or intoxicating liquors, wine, brewed or malt liquors, or any patent medicine, mixture, or compound, which in whole or in part consists of spirituous or intoxicating liquors, is being carried on, together with the name of the corporation, person, association, company, or co-partnership engaged in such business, and the particular kind of business in which each is so engaged, according to my best information and belief." And on or before the first Monday of June he shall attach to such assessment roll a warrant, under his hand, commanding the county treasurer to collect such taxes in the manner prescribed by law for

Certificate upon completion of roll.

Warrant attached to roll commanding county treasurer to collect taxes.

Proviso.	the collection of township, ward, city, or village taxes assessed upon personal property, except as herein otherwise provided, and he shall within the same time deliver the said roll and warrant so completed to the treasurer of his county: <i>Provided, however,</i> That in case the above roll is not completed within the time above fixed, or is defective in any respect, the same may, by such assessor, be completed at any time thereafter and deliver [delivered] to such treasurer; nor shall any irregularity or defect in the certificate attached to said roll in anywise invalidate said roll or any tax therein assessed: <i>Provided</i>
Proviso—notice of change in assessment roll.	<i>further,</i> That should any person, corporation, association, company, or copartnership be added to said roll after the time fixed for reviewing the same, as above provided, or should such roll not be completed, or such assessor not be present at his office at the time above fixed, then public notice shall be published in some newspaper printed and published in said county, setting forth the name of each person, corporation, association, company, or copartnership added to or appearing upon said roll, and fixing the [a] time and place not less than ten days from the date of publication, at which all persons interested may appear and show cause why such assessment should not be charged as above provided, or such notice may be served personally upon each person, corporation, association, company, or copartnership, at least three days before the time fixed for such hearing.
Collection of tax by county treasurer.	SEC. 7. The county treasurer, upon receiving such roll, shall proceed to collect such taxes, and for that purpose shall remain in his office on the second, third, and fourth Fridays of June, and upon all taxes paid to him at any time prior to or on the fourth Friday of June, he shall retain two per cent for collection fees.
Fees.	Every county treasurer, sheriff, or other officer who shall collect or receive payment of any tax under the provisions of this act, shall, upon making such collection or receiving such payment, give a receipt for the tax so collected or received to the person, company, corporation, or firm of whom the same shall be collected or received, in which the person, firm, company, or co-partnership paying the tax shall be named, the amount of the tax, and the time in which the same was assessed and paid, and the kinds of business for or on account of which the tax was paid, shall be printed in such receipt. And if such business includes the sale of brewed or malt liquors only, the words "malt liquors" shall be printed in large and conspicuous letters in the receipt. And said receipt shall be posted up and at all times displayed in a conspicuous place in the room or place where the sale of the liquors or beverages named in this act and for which the tax was paid is carried on, so that such receipt shall be displayed in a conspicuous manner to all persons visiting or frequenting such room or place, and any person, company, firm, or copartnership who shall carry on any business or sell any liquors or beverages for which a tax is required to be paid by this act without having such a receipt posted up and displayed as aforesaid in the place where such business or sales is or are carried on, shall be deemed guilty of a misdemeanor, and shall be subject to the same fine and punishment as is provided in this act for the neglect or
Receipt to be posted in conspicuous place.	
Penalty for not posting receipt.	

refusal to pay the tax required by this act. And it shall be the duty of the Auditor General to prepare printed blank receipts conforming to the provisions of this act, and to furnish the same in proper quantities to the several county treasurers of the State, and such treasurers shall furnish the necessary numbers of such blanks to the sheriff or other officer collecting any such tax. No county treasurer or other officer shall receive a part of the tax assessed against such person, company, or copartnership, nor receipt for such partial payment; nor shall any person, company, or copartnership, after the first Wednesday succeeding the third Monday in May, engage in the business taxed by this act without having paid to the county treasurer the entire amount for which they are so taxed to the end of the taxing year.

Auditor General
to prepare and
furnish printed
blank receipts.

Part of tax not
to be received.

SEC. 8. If any person, corporation, association, company, or copartnership shall refuse or neglect to pay the tax so assessed within the time specified in the preceding section, such treasurer shall, within five days after the time limited for collecting the same, issue his warrant to the sheriff of said county, reciting therein the name of such person, corporation, association, company, or copartnership, the business carried on, the assessment of such tax, and the date of the same, and commanding him to levy and make the amount of said assessment with interest at the rate of ten per cent per annum from the date of such warrant and six per cent collection fees (two-thirds of which fees shall be retained by the sheriff and one-third of which in addition to his fees allowed by section seven of this act shall be paid to the county treasurer as his fees under the said warrant) by distress and sale of any goods and chattels of such person or persons, corporation, association, company, or copartnership, or of any goods and chattels found in the custody or possession of such person, corporation, association, company, or copartnership, and used in the business of such person, corporation, association, company, or copartnership, and in default thereof then of his, her, or their lands and tenements, and (to pay over the same excepting his fees and to make a return of his warrant [and] of his doings thereon to the county treasurer within sixty days of the date thereof:) *Provided*, That if upon demand of the tax by the sheriff, the delinquent shall pay such tax without levy and upon such demand, then the sheriff shall collect of such delinquent in addition to the amount due at the time of such demand three per cent for the fees of the said treasurer, and also the amount of fees for himself which are allowed him by law in case of demand upon execution issued from any court of record.

In case of neglect
to pay, treasurer
to issue warrant
to sheriff.

Contents of
warrant.

Proviso—in case
tax is paid on
demand of sher-
iff.

SEC. 9. Upon the receipt of such warrant the sheriff shall immediately proceed to collect the taxes therein, and for that purpose he shall, within ten days from the time of receiving said warrant, call once at the place of business of each person, corporation, association, company, or copartnership named in said warrant and demand payment of such tax; and in case any person, corporation, association, company, or copartnership shall not upon such demand pay such tax so levied against him or them as stated in said warrant,

Collection of
taxes by sheriff.

with interest and fees for collecting, he shall forthwith levy upon and proceed to sell the goods and chattels of such person, corporation, association, company, or copartnership wherever found in said county, and in so doing he shall first levy upon and seize all the bar fixtures, or furniture, liquors, beverages, and other goods and chattels used in carrying on such business, and also upon sufficient other goods and chattels of such person, copartnership, corporation, or company to satisfy such tax, and for want thereof or for want of sufficient thereof to satisfy such tax, then upon the lands and tenements of every such person, corporation, association, company, or copartnership wherever found in said county, and such levy upon any such goods, chattels, or effects, so used in carrying on such business, or to be used therefor, shall take precedence of any and all liens, mortgages, conveyances, or incumbrances thereon, nor shall any claim of property by any third person to such goods, chattels, or effects, so used or intended for use in carrying on such business, avail against such levy so made by the sheriff; and no property of any person, corporation, association, company, or copartnership liable to pay tax under the provisions of this act, shall be exempt from such levy.

Property of third person used in business not exempt.

Notice of sale.

Proviso—as to real estate.

Relative to deed executed by sheriff.

Surplus arising from sale.

Adjournment of sale for want of bidders.

Return of warrant.

SEC. 10. The sheriff shall give public notice of the time and place of sale, and of the property to be sold, at least six days previous to the sale, by advertisement, to be posted up in three public places in the township, city, or village where such sale is made: *Provided, however,* That in cases where a levy has been made upon real estate, such sheriff shall give like notice of the time and place of such sale as in sales of real estate on execution, and all provisions of law applicable to sales of real estate upon execution shall be applicable to sales of real estate under this act, except as herein otherwise provided (and every deed executed by the sheriff upon sales of real estate under the provisions of this act shall be *prima facie* evidence of the regularity and validity of all the proceedings, from the making of the assessment and levy of the tax to and including the execution and delivery of the deed; and the surplus arising on any such sale, after deducting tax, interest, and fees, and in cases of levy upon or sale of real estate, the like costs and fees in all respects as in cases of levy and sales upon execution, shall be returned to the party, person, or company against whom the tax was levied.)

SEC. 11. In case the property so distrained or levied upon cannot be sold for want of bidders, the sheriff may adjourn such so often as may be necessary, not exceeding one week, however, at any one time and within five days after the return day named in the warrant, the sheriff shall make and annex to his warrant a return thereto, in writing and on oath, to the county treasurer, setting forth all his proceedings under said warrant, and setting forth therein the names of all persons, corporations, associations, companies, or copartnerships named in the warrant, against whom any tax therein remains unpaid, together with a statement and description of all property levied upon by him and remaining unsold; and

he shall at the same time pay over to the county treasurer all moneys collected by him upon said warrant, less his fees thereon; and if any tax stated in said warrant or any part thereof remains uncollected, or if any real estate or other property levied upon remains unsold, the county treasurer shall forthwith renew said warrant for a period not exceeding thirty days, by renewal to be endorsed upon or attached to the warrant and return, and again deliver the same to the sheriff, and such renewals shall be made and attached in like manner so often as may be necessary until the whole tax is collected; and under such renewal or renewals of the warrant, the sheriff shall proceed to complete the sale of, and sell, any property previously levied upon and remaining unsold, and shall otherwise collect all taxes remaining unpaid within the like time and manner as directed in the warrant, and he shall make like returns to such renewals, on oath, and within the like time as required in case of return to the original warrant, and upon the final return of said warrant and the renewals thereof, the treasurer shall file and preserve the same in his office.

Renewal of warrant in case taxes are uncollected.

Sheriff's duty under renewal.

SEC. 12. The assessor shall have power, and it shall be his duty, to add to said roll at any time during the year, the name of any person, corporation, association, company, or copartnership engaged in any kind of business specified in the first section of this act, whose name does not appear upon such roll, and to assess against such business thereon a *pro rata* tax for the unexpired portion of such year, and said assessor shall, before making such assessment, notify the person, corporation, association, company, or copartnership of the time and place at which the assessment will be made, and requiring such person to appear at the time and place mentioned and show cause, if any, why such assessment should not be made, which notice (shall be served by leaving a copy thereof with the person or persons to be assessed, or with some person at his or their place of business, at least three days before the time specified therein for the day of hearing, and upon such assessment being made, and within ten days after such hearing, the assessor shall complete such assessment, and date and attach the same to the original assessment roll in the hands of the county treasurer, and within five days thereafter said treasurer shall issue his warrant and thereupon the same proceedings shall be had in all respects, and within like times, as though such assessment had been made by the assessor as first in this act prescribed:) *Provided, however,* That all warrants issued under this section shall be returnable sixty days from date of same. That in case of neglect or refusal of said assessor to comply with the provisions of this section, then, and in that case, the said county treasurer shall have power, and it shall be his duty, to make the assessment and give the notice required by this section, and the same shall be valid as though made by the assessor and every assessment and every assessment roll made under the provisions of this act, after the same shall have been placed in the hands of the county treasurer, shall be *prima facie* evidence of the legality and validity of the roll, and of the assess-

Assessor to add names at any time during the year and assess a *pro rata* tax.

Notice to persons whose names are thus added to roll.

Proviso.

Treasurer to make assessment in case assessor neglects.

Evidence of legality of roll.

	ments, and of the correctness and regularity of all the proceedings, to assess and collect the tax, and that the person or persons assessed are liable to pay the tax assessed against them: <i>Provided further</i> , That in case any person who has been assessed under the provisions of this act, and shall have paid the tax assessed against him, shall at any time thereafter during the year discontinue the business for which he was assessed, such tax or any part of same shall not be refunded.
Proviso.	
Treasurer to file monthly statements with county clerk.	SEC. 14. It shall be the duty of each and every county treasurer, at least once in each and every month, to make a sworn statement containing the names of each and every person, corporation, company, or copartnership in his county paying a tax during said month, under the provisions of this act, stating therein the residence of such person, corporation, association, company, or copartnership, the business in which such person is engaged, the place of doing business, the amount of tax paid, and date of payment of the same, and file such statement with the clerk of his county; and such county treasurer shall, on or before the first day of December in each year, make a full and complete report of all the facts as shown by the reports on file in his office, and return the same to the Auditor General, and publish the same in at least two newspapers in his county, if so many there be. All blanks required to carry into effect the provisions of this act shall be prepared and furnished by the Auditor General to the county treasurers, and by them to the township, village, or city officers. After any warrant shall have been delivered to the county treasurer, he shall, upon the first day of every month thereafter, and also whenever any warrant, or renewal thereof, shall be returned to him showing any tax remaining unpaid, deliver a report and statement in writing to the prosecuting attorney of the county, giving the name and place of residence and place of business of every person, corporation, association, company, or copartnership, who have failed to pay any tax, or any part of any tax, levied or assessed against him or them under this act, and the amount of the tax so remaining unpaid, and thereupon the prosecuting attorney shall forthwith prosecute every such delinquent, to recover the penalty and enforce the punishment provided in this act for the non-payment of such tax, and no levy made or proceeding taken by the sheriff to collect such tax, shall be a defense to such prosecution, unless collection of said tax was enforced thereby before the commencement of such prosecution. And at the time of making such reports as aforesaid to the prosecuting attorney, the county treasurer shall make a like sworn statement and report to the Governor of the State, together with the names and amount of tax due from all persons against whom such prosecution has been commenced.
Annual report to Auditor General and publication of same.	
Auditor General to furnish blanks.	
Treasurer to report monthly to prosecuting attorney.	
Duty of prosecuting attorney to prosecute delinquents.	
Treasurer to report to Governor.	
Officers liable to penalty for neglect.	SEC. 17. In case any assessor, county treasurer (prosecuting attorney), or sheriff willfully neglects or refuses to perform his duty under the provisions of this act, he shall be liable to a penalty of one hundred dollars for each and every offense; and the Governor may, in case of any such neglect or refusal, appoint some other

person or persons to perform the duties prescribed by this act, who shall, upon being so appointed, have like powers and duties under this act as such assessor, treasurer (prosecuting attorney), or sheriff, as the case may be; and in case of the appointment of any person in place of the prosecuting attorney to prosecute for violations of this act in any county, the board of supervisors shall allow and pay to such prosecutor a reasonable compensation for all services performed by him as such prosecutor.

Governor may appoint persons to perform duties.

Compensation of person appointed to prosecute.

Approved May 23, 1877.

[No. 198.]

AN ACT to provide for a tax upon dogs, and to create a fund for the payment of certain damages for sheep killed or wounded by them in certain cases.

SECTION 1. *The People of the State of Michigan enact*, That in all the townships and wards of the cities of this State there shall be annually levied and collected the following tax upon dogs: Upon every male dog over six months old owned or kept by any one person or family, one dollar; upon every female dog owned or kept by one person or family, three dollars.

Amount of tax upon dogs.

SEC. 2. The assessor of every township or ward, at the time of making his annual assessment, shall inquire and ascertain the number of dogs liable to be taxed, and shall enter in lists to be made by him the name of every person in his respective township or ward owning or keeping any dog subject to the above tax, the number kept by such person, and the amount of tax to be paid by him.

Assessor to ascertain number of dogs and make list of owners.

SEC. 3. The assessor of every township and ward shall, on or before the fifteenth day of May in each year, make out a duplicate of the lists made by him as provided in the preceding section and file the same with the township or city clerk of his respective township or city; said taxes, as provided for in the preceding section of this act, shall be assessed to and collected from such persons as shall be liable for the same, in the same manner as other township and city taxes are assessed and collected, and with like power to distrain and sell any property of the owner or owners, keeper or keepers of dogs liable to be taxed.

Duplicate list to be deposited with clerk.

Assessment and collection of tax.

SEC. 4. The collector to whom such tax roll shall be delivered shall proceed and collect the sums of money therein specified, in the same manner and with like authority in all respects as in the collection of taxes imposed by the board of supervisors of the county and shall, after deducting the commission allowed by this act, retain the remainder in the township or city treasury and subject to the orders of the township and city boards, as provided in sections five and six of this act.

Manner of collecting tax.

Amount of tax subject to order of township and city boards.

SEC. 5. Whenever any person shall sustain a loss by the killing or wounding of his sheep or lambs by a dog or dogs, he may call on a disinterested justice of the peace of his township or city not kin

Justice of the peace to view sheep killed or wounded by dogs.

To make certificate of damage and deposit same with clerk.

Fees of justice.

Payment of damages.

Surplus apportioned among school districts.

Party sustaining loss to make effort to recover damages from owners of dogs.

Collector's commission.

Penalty on officer for neglect of duty.

Person possessing dog fifteen days deemed owner.

to such person, and not a member of the township board or city council, who shall proceed to view the sheep or lambs so killed or wounded, and if from such view he shall be satisfied that the same were killed or wounded by a dog or dogs, he shall make a certificate thereof in writing, stating the amount of damage sustained by such person, and shall deliver the same to the clerk of said township or city, who shall file the same in his office and record it in the records of the township or city. The said justice shall receive for his services in each case the sum of two dollars, and ten cents for each mile actually and necessarily traveled by him in performing such service, to be paid out of the aforesaid fund on the order of the township board or proper city officer or officers.

SEC. 6. At the annual meeting of the township board in each year, and at a meeting of the common council of each city in April of each year, the said board or council, as the case may be, shall examine all certificates of damage filed by the clerk as aforesaid, during the preceding year, and if satisfied that in any case or cases the certified damages are excessive, they may reduce the same to such amount as they may consider just, and may order the payment of all such loss as they may consider just out of the fund aforesaid, if it be sufficient for that purpose, and if not sufficient they may order a proportionate payment of each claim. If money remains of such fund after satisfactory payment of all claims aforesaid, it shall be apportioned among the several school districts of such township or city in proportion to the number of children therein of school age: *Provided*, That no payment of loss shall be made as provided for in this section unless the party applying for the same shall make it appear to the satisfaction of the township board or common council that he has made all due efforts and has not been able to obtain satisfaction therefor from the owner or owners of the dog or dogs which shall have done the damage.

SEC. 7. The collector shall be allowed to retain a commission of four per cent upon all sums collected by them under the provisions of this act, and shall make and deliver a correct statement and account for the amount of money so collected to the township board of their respective townships and to the city treasurer of cities at the time of making their annual settlement with said board and treasurers, and shall be holden on their bonds the same as for other moneys collected if not paid over.

SEC. 8. Any township or city officers who shall willfully neglect or refuse to perform any of the duties imposed upon him by this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than (\$50) fifty dollars or more than (\$100) one hundred dollars for each offense.

SEC. 9. Every person in possession of any dog, or who shall suffer any dog to remain about his house for the space of (15) fifteen days previous to the assessment of a tax or previous to any injury, chasing, worrying, or killing of sheep, shall be deemed the owner of such dog for all purposes of this act.

Approved May 23, 1877.

[No. 199.]

AN ACT to prevent hunting for game with fire-arms, dogs, or otherwise on any enclosed lands or premises of another in this State without the consent of the owner or lessee of such lands or premises.

SECTION 1. *The People of the State of Michigan enact, That* it shall be unlawful for any person or persons to hunt for game with fire-arms, dogs, or otherwise on any enclosed lands or premises of another in any county of this State without the consent of the owner or lessee of such lands or premises. Hunting on enclosed lands of another prohibited.

SEC. 2. Any person or persons violating the provisions of the foregoing section of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine not less than five nor more than twenty dollars, in the discretion of the court, and costs of prosecution. And in case the fine imposed and costs of prosecution shall not be paid, the defendant shall be confined in the county jail of the county not less than five nor more than thirty days: *Provided, however, That* no complaint shall be made or entertained against any person for the violation of any of the provisions of this act unless the same shall be made by the owner or lessee of the land or premises so trespassed against [upon]. Penalty for violating provisions of this act. Proviso—owner or lessee of lands trespassed upon to make complaint.

Approved May 23, 1877.

[No. 200.]

AN ACT to amend sections twenty-three, twenty-four, thirty-two, forty-one, forty-three, forty-four, and seventy-one of act number two hundred and thirteen of the session laws of eighteen hundred and seventy-five, entitled "An act to revise and consolidate the laws relative to the State Prison, and the government and discipline thereof, and to repeal all acts inconsistent therewith," approved May third, eighteen hundred and seventy-five, and to add three new sections thereto, to stand as sections seventy-eight, seventy-nine, and eighty, and to repeal sections seventy-two and seventy-four of said act.

SECTION 1. *The People of the State of Michigan enact, That* sections twenty-three, twenty-four, thirty-two, forty-one, forty-three, forty-four, and seventy-one of an act entitled "An act to revise and consolidate the laws relative to the State Prison, and the government and discipline thereof, and to repeal all acts inconsistent therewith," approved May third, eighteen hundred and seventy-five, be and the same are hereby amended so as to read as follows: Sections amended.

SEC. 23. The warden shall make a monthly report to the inspectors of all moneys received by him from every source by virtue of his office, and of all sums paid and expended by him with lawful Warden shall make monthly report to inspectors.

vouchers therefor, and stating also the balance in his hands at the time of making such report.

Annual report to inspectors.

SEC. 24. The warden shall, on the thirtieth of September, or as soon thereafter as practicable, in every year, make and deliver to the inspectors of the prison a report, exhibiting a complete and comprehensive view of the transactions of the prison during the preceding year, stating the number of convicts confined therein, the various kinds of business in which they are employed, the number employed in each branch, and the profit or loss, if any, arising to the State therefrom; also a full and true account of all moneys received on account of the prison under his charge, and all the moneys expended for the use thereof.

Purchase of medicine and hospital stores.

SEC. 32. The necessary medicines and other hospital stores for the use of the prison shall be purchased as other prison stores, but with the advice of the physician and under the direction of the inspectors.

Record of infractions of rules.

SEC. 41. The warden shall keep a record of each and all infractions of rules of discipline by convicts, with the names of the persons offending, and the date and character of each offense, which record shall be placed before the managers at each regular meeting of the board, and every inmate who shall have no infraction of the rules of the prison or laws of the State recorded against him shall be entitled to a deduction for each year of his sentence, and *pro rata* for each part of a year when the sentence is for more or less than one year, as follows: From and including the first year up to the third year, a deduction of two months for each year; from and including the third year up to the fifth, a reduction of seventy-five days for each year; from and including the fifth up to the seventh year, a deduction of three months for each year; from and including the seventh year up to the tenth year, a deduction of one hundred and five days for each year; from and including the tenth year up to the fifteenth year, a deduction of four months for each year; from and including the fifteenth year up to the twentieth year, a deduction of five months for each year; from and including the twentieth year up to the period fixed for the expiration of the sentence, six months for each year. The inspectors

Inspector to provide by rule for forfeit of good time.

shall provide by rule how much of the good time thus earned a convict shall forfeit for one or more violations of the prison rules. The warden, in computing the diminution of time for those now in the prison, shall allow them for the good time made up to the time this act takes effect in accordance with the provisions of law previously in force, and thereafter it shall be computed in accordance with the terms of this section. Whenever a convict has been committed under several convictions, with separate sentences, they shall be construed as one continuous sentence in the granting or forfeiting good time.

Diminution of time for those now in prison.

Convictions under separate sentences regarded one continuous sentence.

Contracts for labor of convicts, by whom and in what manner let.

CONTRACTS.

SEC. 43. Whenever the inspectors shall direct a contract to be made for letting or hiring the labor of convicts, it shall be the duty

of the warden, under the direction of the board, to proceed to make such contracts in the manner and subject to conditions as follows:

First, He shall cause a notice to be published in at least one daily paper in the cities of Detroit, Grand Rapids, and Jackson, and at such other places as the inspectors may direct. Such publication shall be at least three weeks previous to the day appointed for letting the labor of such convicts, stating that sealed proposals will be received therefor, and specifying the maximum number of convicts whose labor is to be let, the maximum length of time, which shall not exceed ten years, and the last day on which bids will be received;

Second, The inspectors may, in their discretion, authorize the warden to designate what articles, or class of articles, shall be manufactured;

Third, Bids shall specify the articles proposed to be manufactured, the number of convicts whose labor it is proposed to hire, and the shop room required;

Fourth, Each bid shall be accompanied by a bond, with good and sufficient sureties to the satisfaction of the inspectors, and in such sum as they may direct, conditioned that in case the bid is accepted by the warden the bidder will enter into a contract in pursuance of such bid, and execute a bond, with two or more good sureties, in a sum satisfactory to the inspectors, conditioned for the faithful performance of such contract on his part;

Fifth, The bids shall be opened by the warden, in the presence of the board of inspectors, at their next meeting after the last day specified for receiving bids, and the convict labor shall be awarded to the highest bidder, if the price bid, in the judgment of the inspectors, be a fair and reasonable compensation for such labor; but the warden, with the approval of the inspectors, may reject any or all bids received;

Sixth, If no bids are received within the time limited by the notice above required to be published, or if received and upon being opened shall not be satisfactory, and for reason be not accepted, the board of inspectors may, at their option, direct the warden to re-advertise the labor of the convicts, or at any time within six months thereafter, and without further advertising, may authorize the warden to receive bids for the labor of not to exceed the number of convicts before advertised: *Provided*, That, except as provided in this subdivision, such bids and the contracts and bonds made pursuant thereto, shall be subject to all of the provisions of law applying to bids received under an advertisement;

Seventh, The contracts made by the warden shall be in writing and approved by the inspectors, or a majority of them, and one copy shall be filed in his office, but shall not be executed by the warden until the bond given for the performance of its conditions shall have been approved by the inspectors.

Eighth, The State retains the right of control over the convicts, whose labor is contracted through its officers, and reserves the right

to govern the convicts, and to change the disciplinary rules, and to forbid any work or manner of doing the same that is injurious to the health, or dangerous to the persons of the convicts, or destructive of the discipline of the prison. And the inspectors may also reserve so much of the time of the inmates as they may deem proper for imparting instruction. And the warden, subject to the approval of the inspectors, may exclude from the premises of the State Prison any contractor, or his agent, or employé, who may be guilty of any misconduct in the institution; these stipulations may be inserted in every contract.

Ninth, The State shall have a first lien upon all the machinery, tools, stock, buildings, appurtenances, and appliances used by the contractor in the conduct or pursuit of any business or occupation in which the labor of any convict contracted for or temporarily hired to such contractor is employed, as also upon all manufactured articles the product of such convict labor, which are or may be within the work-shops, or yard, or upon any premises of the prison, as well as upon such machinery, tools, stock, appurtenances, appliances, and manufactured articles, wherever they or any of them may be stored or kept by such contractor, for all moneys due or to become due for labor by any convict for said contractor, and shall authorize the warden at any time after such money becomes due, to detain and take into his possession any property covered by such lien wherever the same may be kept or stored by such contractor, and to advertise and sell the same by giving at least four weeks' notice of such sale in at least four papers published in different parts of the State. The provisions of this subdivision may be inserted in every contract.

Tenth, At any sale made in pursuance to the provision of the foregoing subdivision, the warden may, with approval of the inspectors, become a bidder in the interest of the State, for any property offered at such sale, and if there be any surplus arising from such sale after discharging the indebtedness to the State and paying the expenses incident thereto, such surplus shall be placed to the credit of the contractor to whom the property belonged, or be refunded to him if the State have no further matured claim upon him.

Employment of
convicts not
employed on
contracts.

SEC. 44. Convicts not employed under any contract may, with the approval of the board of inspectors, be employed by the warden upon work for the State, in such manner, and to such extent, as may be deemed advantageous, or he may hire such convicts to contractors or others, temporarily, at such price as he may deem proper, subject to the approval of the inspectors, but such hiring shall terminate whenever, in the opinion of the board of inspectors, the interest of the prison may require.

Rebuilding of
buildings de-
stroyed by fire.

SEC. 71. If any of the shops or buildings are destroyed or injured by fire, they may be rebuilt or repaired immediately, under the direction of the board of inspectors, and with the approval of the Governor, and the expense thereof paid from the State treasury. The money for this purpose will be drawn from the State treasury and accounted for in the manner now provided by law.

SEC. 2. That there shall be added to said act three new sections, Sections added. to stand as sections seventy-eight, seventy-nine, and eighty of said act, to read as follows:

SEC. 78. Whenever any contractor shall become indebted to the State under a contract for convict labor, made with the proper officers of the State prison, whether such contract was made in accordance with the provisions of the statute relating thereto or not, the lien of the State upon the machinery, tools, stock, buildings, appurtenances, and appliances used by such contractor in the conduct or pursuit of any business or occupation in which the labor of any convict contracted for or temporarily hired to such contractor is employed, as also the products of such convict labor which are or may be within the work-shops, or yard, or upon any premises of the prison, as well as upon such machinery, tools, stock, appurtenances, appliances, and manufactured articles wherever they or any of them may be stored or kept by such contractor, for all moneys due or to become due for labor by any or all convicts for said contractor, shall be the same and shall be enforced in the same manner by the warden as though all of said provisions had been fully complied with, and the sureties upon any bond given for the performance of such contract shall be liable to the extent of any indebtedness to the State incurred under such contract as fully, and to the same extent, as though the provisions of the law prescribing the manner of making contracts for the labor of convicts had been fully complied with.

Lien of State on machinery, etc., of contractor and liability of sureties to be same as though contract was made according to the provisions of law.

SEC. 79. Whenever, in the judgment of the board of inspectors, the interest of the State will be protected thereby, the board may require any contractor to secure, in such insurance company or companies as to them shall be deemed reliable, insurance upon such or all of the property or material of such contractor, as under the terms of his contract, the State has a lien upon, and such insurance shall be for the amount prescribed by the inspectors, and payable to the warden of the State prison.

Insurance on machinery, etc., of contractor.

SEC. 80. Within five days after the close of each month, the clerk shall make out and the warden certify and deliver to the Auditor General of the State, a statement of the amount due from each contractor for the preceding month, and on or before the tenth day of the month in which such statement is made, each contractor shall, in the ordinary mode prescribed by law, pay the amount into the State treasury.

Monthly report to Auditor General of amounts due from contractors.

SEC. 3. That sections seventy-two and seventy-four of said act be and the same are hereby repealed.

Sections repealed.

SEC. 4. This act shall take immediate effect.

Approved May 23, 1877.

[No. 201.]

AN ACT to provide for taking of private property for the public use or benefit and for the opening of highways, streets and alleys, by the cities and villages of this State.

Cities and villages authorized to open highways, etc., and take private property therefor.

SECTION 1. *The People of the State of Michigan enact*, That the cities and villages of this State shall have power according to the provisions of this act, but not otherwise, to open highways, streets and alleys for the public use and benefit, and to extend, widen, or straighten the same, and they shall also have power to open private roads and alleys. Private property within the corporate limits of any such city or village may be taken for any of the purposes aforesaid, in accordance with the provisions of this act.

How private property may be taken—necessity to be declared by resolution.

SEC. 2. Whenever the common council or board of trustees of any city or village shall deem it necessary to take private property for any of the purposes aforesaid, they shall so declare by resolution, and in said resolution shall describe such property, and designate the purpose for which it is proposed to be taken, and when it is proposed to take private property for a private road or alley, the common council or board of trustees shall also fix and describe in said resolution the limits and boundaries of a special taxing district, to be composed of the property that will be benefited, in the opinion of said common council or board of trustees by such improvement, and upon which shall be assessed all the damages and compensation to be awarded for taking such private property. Said resolution shall direct the city or village attorney to institute proceedings in the circuit court of the county to carry out the objects of such resolution: *Provided*, That in cities having a recorder's court the proceedings shall be instituted in that court; *Provided further*, That in cities having a superior court and no recorder's court, such proceedings shall be instituted in said superior court.

Special taxing district.

Village attorney to institute proceedings in circuit court.

Proviso.

Proviso.

Filing of petition by village attorney.

SEC. 3. Upon receiving from the clerk of the common council or board of trustees a certified copy of such resolution, it shall be the duty of the city or village attorney to file in the name of said city or village in the court having jurisdiction thereof, according to the preceding section, a petition, which shall allege the passage and contain a copy of said resolution; shall describe all the different lots, tracts, and parcels of private property proposed to be taken or assessed; shall set forth the names of the occupants, owners, and others interested in such lots, tracts, and parcels respectively, as far as the same can be ascertained. In the case of a public highway, street or alley, the petition shall allege that it is necessary to take and use such property for the public use or benefit, and shall pray that a jury may be impaneled to determine such necessity, the damages sustained, and the just compensation to be paid for such private property, and in the case of a private road or alley the petition shall allege that it is necessary to take and use such property for private use or benefit, and shall pray that a jury may be empan-

What petition to allege.

In case of public highway.

In case of private road.

eled to determine such necessity, the damages sustained, and the just compensation to be paid for such private property, and to assess such damages and compensation, according to the benefits derived from such improvement, upon the property constituting the special assessment district. Said petition shall be signed by the city or village attorney, and shall be verified by him or by some other person having knowledge of the facts.

Petition to be signed and verified.

SEC. 4. Upon receiving such petition it shall be the duty of the clerk of said court to issue a summons against the respondents named in said petition, and all other persons interested, stating the object of said petition, and commanding them in the name of the people of the State of Michigan to appear before said court, at a time and place to be named in said summons, not less than twenty or more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

Duty of clerk of court on receiving petition.

SEC. 5. Said summons shall be served by the sheriff of the county, at least five days before the return day thereof; if the respondents can be found in the county, it shall be served by exhibiting to each of them the original, and delivering a copy thereof; but if the respondents or any of them cannot be found in said county, it shall be served by leaving a copy thereof at their respective residences, if any they have within said county, with some one of the family of suitable age and discretion; and service upon all other respondents or persons interested shall be made by publishing a copy of said summons in at least two of the daily newspapers, if any there be, of such city or village, for six successive days. If there is no daily newspaper published in such city or village said copy shall be published in a weekly paper of such city or village for two successive weeks, and the last publication to be at least five days before the return day of the summons. If there is no paper published in such city or village then said copy shall be posted in ten public places in such city or village for a period of not less than ten days. Affidavits showing due publication of said summons, and the return of the sheriff thereto, shall be filed in said court before a jury shall be empaneled.

Service of summons by sheriff.

Service by publication.

SEC. 6. If any person on whom said summons shall be served is a minor under the age of fourteen years, or an idiot, or person of unsound mind, and resides in the county, such service shall be made on his guardian, or if none, then on the person who has the care of, or with whom such infant, idiot, or person of unsound mind resides.

Service in case of minors, idiots, etc.

SEC. 7. In case any person to be affected by the proceedings is an infant, idiot, or person of unsound mind, and has no guardian, the said court, or the judge thereof, shall appoint a special guardian to attend to the interests of such person in said proceedings, and in case any of the respondents who were [not] personally served do not appear on the return day, the court shall appoint an attorney to protect the interests of such absent persons. Said attorney shall receive such compensation as the judge of said court shall certify

Appointment of special guardian and attorney.

Compensation of attorney.

to the common council or board of trustees as fair and reasonable, not exceeding fifteen dollars in each case.

Appearance of parties.

SEC. 8. On the day and at the hour specified in said summons, the said court shall call the case, and shall enter the appearance of all the parties who appear in answer to said summons, and the default and appearance of those who do not answer, and if no sufficient cause to the contrary is shown, shall make an order that a jury be empaneled; and thereupon, or at such future time to which the case may be adjourned, a jury shall be empaneled as hereinafter provided.

Annual selection of list of street opening jurors.

SEC. 9. On the fourth Tuesday of January in each year, between the hours of nine and twelve o'clock in the forenoon, the mayor or president of each city and village, and the city or village assessor or assessors, shall meet together and shall proceed in public to select from the last annual assessment roll or rolls of said city or village, a list of not less than fifty persons to serve as street opening jurors, the persons so selected to be freeholders and qualified electors of said city or village, of good character, of sound mind, and capable of understanding and speaking intelligibly the English language.

List to be filed in office of clerk.

SEC. 10. Said list shall be signed by said mayor or president, and assessor or assessors, or a majority of them, and shall be filed in the office of the clerk or recorder of said city or village. If said officers should fail to meet on the days above specified, or said list should at any time become exhausted, such a list of jurors may be made in the same manner at a meeting of such officers, to be called by the mayor or president. The persons whose names are set forth in said list shall be liable to serve as jurors for one year, or until a renewal, or new list shall be made as aforesaid.

How list made if not made on day specified or list exhausted.

Clerk to deposit names in "Street Opening Jury Box."

SEC. 11. On the completion of such list it shall be filed in the office of the clerk or recorder of such city or village, who shall write the names of the persons thus selected on separate strips of paper of the same size and appearance, as near as may be, shall fold up each of said strips of paper in the same manner, so as to conceal the name thereon, and deposit the same in a box, to be called and labeled, "——— Street Opening Jury Box;" and said box shall thereupon be delivered to the clerk of the court having jurisdiction of proceedings instituted under this act by such city or village.

Custody of box.

Drawing jury.

SEC. 12. Whenever any court in which petitions under this act may be filed shall order a jury to be empaneled, it shall be the duty of the clerk, in open court, to draw twenty-four names from the street opening jury box of the city or village filing the petition, and the city or village attorney and the respondents collectively, shall each have the right to strike six names from the list of names so drawn, and the twelve persons left thereon shall compose the jury for the trial of the case, and shall be summoned to attend at such time as the court shall direct, by a *venire* issued by the clerk of the court, and to be served by the sheriff of the county. If the respondents refuse to strike six names from said list, it shall be done

by the judge of the court, and in case any of the persons to be Talesmen. summoned cannot be found in the county, or being summoned do not attend, or shall be excused for cause, or on a peremptory challenge or otherwise, talesmen possessing the necessary qualifications may be summoned by the sheriff, or the court, in its discretion, may require such talesman to be drawn from said street opening jury box, and the practice and proceedings under this act, except as herein provided, relative to drawing, summoning, and excusing street opening jurors and talesmen, and imposing penalties upon them for non-attendance, shall be the same as the practice and proceeding of the circuit courts of the State relative to petit jurors in such courts. In empaneling a jury, the city or village attorney Challenges. and the respondents, collectively, shall each be entitled to two peremptory challenges.

SEC. 13. The jury so empaneled shall be sworn to discharge their Proceedings by duties faithfully and impartially, and according to the best of their Jury. abilities. They shall hear the proof and allegations of the parties and the arguments of counsel, and, if so ordered by the court, shall go to the place of the intended improvement in the charge of an officer, and upon, or as near as practicable to, any property proposed to be taken or assessed, and examine the premises. They shall be instructed as to their duties and the law of the case by the judge of the court, and shall retire under the charge of an officer, and render their verdict in the same manner as on the trial of an ordinary civil case.

SEC. 14. The jury shall determine in their verdict the necessity What jury to for taking and using such private property for the public use or determine in benefit, or for private use or benefit, as the case may be, and they shall award to the owners of said property such damages and their verdict. compensation as they shall deem just; and in private road and alley cases they shall assess and apportion the total damages and compensation to be paid for the private property so taken upon the lots and parcels and subdivisions thereof within the assessment district fixed by the common council or board of trustees, which will be benefited by the improvement, in proportion to the benefits they will severally receive. If any such private property shall be subject to a valid mortgage, lease, agreement, or other lien, estate or interest, they shall apportion and award to the parties in interest, such portion of the damages and compensation as they shall deem just.

SEC. 15. To assist the jury in arriving at their verdict, the court Jury may have may allow the jury, when they retire, to take with them a map of map of improve- the proposed improvement, and of the assessment district (if any), ment. showing the metes and bounds, and the location of all the property to be taken or assessed; and may also submit to them a blank verdict, which may be as follows:

PART I.

We find that it is necessary to take and use the private Blank verdict of property described in the petition in this cause for (the public use Jury.

and benefit) or (private use or benefit,) as a (public highway, street, or alley) or (private road or alley.)

PART II.

And the damages sustained and the just compensation to be paid for such private property we hereby determine to be as follows :

Description of each of the several parcels of private property to be taken.	Owners, occupants, and others interested in each parcel.	Compensation and damages.	To whom Payable.

PART III.

And the benefits to be received from such improvement by the property within the assessment district we hereby determine to be as follows :

Description of each of the several parcels of property to be assessed.	Occupants and owners of each parcel.	Benefits.

The different descriptions of property and the names of the occupants, owners and others interested therein, may be inserted in said blank verdict, (under the direction of the court,) before it is submitted to the jury.

Court may set aside verdict of jury and order new trial.

Amendments of petition.

Rules of practice.

Motions for new trial or arrest of proceedings.

SEC. 16. The verdict of the jury may be set aside by the court and a new trial ordered, in the same manner and on the same grounds as in ordinary civil actions in the circuit courts of this State ; and amendments, either in form or substance, of the petition, process, and proceedings, may be allowed when they will not interfere with the substantial rights of the parties. Rules of practice under this act may be adopted and promulgated by the Supreme Court of this State.

SEC. 17. Motions for a new trial or to arrest the proceedings shall be made within two days after the rendition of the verdict, unless further time is allowed by the court, and if no such motion

is made, or being made is overruled, the court shall enter an order confirming the verdict of the jury; and such judgment of confirmation, unless reversed by the Supreme Court, shall be final and conclusive as to all persons interested therein. The damages and compensation assessed by the jury upon any lot or parcel of land shall be a lien thereon from the time of such confirmation until paid and satisfied.

Damages and compensation lien on land.

SEC. 18. Any person whose property may be taken or assessed, considering himself aggrieved, may appeal from the judgment of the court confirming the verdict of the jury, by filing in writing with the clerk of said court a notice of such appeal within five days after the confirmation, and serving within the same time a copy thereof on the city or village attorney and filing a bond in said court, to be approved by the judge thereof, conditioned for the prosecution of said appeal and the payment of the damages assessed against the appellant and all costs that may be awarded against him, in case the judgment and confirmation of the court shall be affirmed.

Appeals from judgment of court.

SEC. 19. In case of appeals as above it shall be the duty of the clerk of the court without delay to transmit to the supreme court a certified copy of all the files, records, and proceedings in the case. And it shall be the duty of the judge of the court at the request of the appellant to settle and sign a case showing the testimony taken on the trial, the objections, rulings, and exceptions concerning the same; and the instructions of the court to the jury, with the exceptions thereto; and the same shall be returned by the clerk as a part of the record in the case.

In case of appeals certified copy of files, etc., to be transmitted to Supreme Court. Judge to sign case showing testimony, etc.

SEC. 20. The said appeal may be brought on for hearing at any term of the supreme court, and said court may affirm or reverse the proceedings and may grant a new trial. The said court shall allow the prevailing party his reasonable costs and expenses to be taxed, and all costs and expenses awarded to the city or village may be applied on and deducted from the damages and compensation (if any) to be paid to the appellant.

Hearing of appeal.

SEC. 21. When the verdict of the jury shall have been finally confirmed by the court, and the time in which to take an appeal has expired, or if an appeal is taken, on the filing in the court below of a certified copy of the order of the supreme court, affirming the judgment of confirmation, it shall be the duty of the clerk of the court below to transmit to the common council or board of trustees a certified copy of the petition, of the verdict of the jury, and of the judgment of confirmation, and of the order (if any) assessing the costs and expenses; and thereupon the common council or board of trustees may by resolution direct the treasurer of such city or village to proceed to collect the benefits and the costs and expenses assessed by the court and jury, in which case a certified copy of such resolution shall be annexed to the record transmitted by the clerk of the court, and the same shall then be delivered to such treasurer. If such assessments are not paid or tendered to the treasurer within sixty days after the passage of such

Proceedings on first confirmation.

resolution, he shall proceed to sell the property assessed in the same manner as is provided by law for the sale of real estate upon execution, and with the same force and effect.

Payment of damages.

SEC. 22. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation, shall, on appeal, be affirmed, the common council or board of trustees shall cause the city or village treasurer to pay or tender to the respective persons entitled to receive the same, the damages and compensation awarded for taking such private property, according to the verdict of the jury as finally confirmed; and in case any such person shall refuse the same, be unknown or a non-resident of said city or village, or cannot with reasonable diligence be found in said city or village, or for any reason be incapacitated from receiving his amount, or the right thereto be disputed or doubtful, the common council or board of trustees may deposit the amount awarded in such case in the city or village treasury, and shall on demand pay the same over to any person entitled and competent to receive it, taking receipt therefor. Upon such payment, tender, or deposit the common council or board of trustees may enter upon, take possession of, and convert such private property to the uses and purposes for which it was taken, and may remove all buildings, fences, and other obstructions therefrom. The treasurer shall make a certificate, verified by his oath, showing his action in making such payment, tender, or deposit, and shall file the same with the clerk or recorder of said city or village, and it shall be *prima facie* evidence of the facts therein stated.

Council, etc., may, on payment, take possession and use property.

Certificate of treasurer as to payment.

Expenses in private road and alley cases, how assessed.

SEC. 23. In private road and alley cases, the court shall within ten days after the confirmation of the verdict of the jury, assess the expenses of the proceedings, including the compensation paid the jury and the costs of advertising, upon the property in the assessment district, in proportion as near as may be to the benefits received, according to the verdict.

Fees in proceedings under this act.

SEC. 24. Officers, jurors, and witnesses in any proceedings under this act shall be entitled to receive from the city or village instituting the proceedings, the same fees and compensation as are provided by law for similar services in an ordinary action at law in the circuit courts of this State.

Practice in recorder's court of Detroit relative to drawing jurors.

SEC. 25. The practice and proceedings of the recorder's court of the city of Detroit under this act, relative to drawing jurors from the street opening jury box, and the summoning and excusing of such jurors and talesmen and the imposing penalties upon them for non-attendance, shall be the same as the practice and proceeding of said court relative to petit jurors for the trial of criminal cases: *Provided*, That no street opening jury shall be drawn for any term without the order of the court, and the court shall fix the number of persons to be drawn and the day and term on which they shall be summoned to appear: *And provided further*, That when for any reason the full number of jurors summoned shall not be in attendance, and it shall be necessary in the opinion of the court to summon persons to make up such number, the persons so sum-

Proviso.

Further proviso.

moned shall be drawn from the street opening jury box: *And* Further proviso. *provided further*, That if no street opening jury shall have been drawn for the term, and it shall become necessary to empanel a jury in any case, the same shall be empaneled according to the provisions of section twelve of this act.

SEC. 26. All the expense of opening any such public highway, street or alley, shall be raised by a general tax, to be levied and collected in each city or village according to the provisions of its charter or act of incorporation: *Provided*, That in the cities of Expenses of opening high-ways, etc., how raised. Detroit and East Saginaw one-half of the damages and compensation awarded by the jury shall be assessed upon the property benefited, in the same manner as is provided by this act, in the case of a private road or alley: *And provided further*, That the whole of Proviso—as to Detroit and East Saginaw. such damages and compensation shall be so assessed upon the property benefitted, in a district described by the common council in the city of Grand Rapids, and in all other cities authorized by their respective charters to levy special assessments in street opening cases. Further proviso.

SEC. 27. The cities and villages of this State shall also have power to take private property for the public use or benefit, in the following cases: In what other cases private property may be taken for public use.

First, To obtain sites for the public buildings of such cities and villages;

Second, To lay out and open public squares, spaces, market-grounds and parks;

Third, To lay through private property, public sewers, water-pipes and gas-pipes.

But in all such cases the proceedings shall comply, as near as may be, to the procedure prescribed by this act in the case of a public highway: *Provided*, That in those cases where any city or village is authorized to hold lands outside of its corporate limits for any of the purposes aforesaid, the proceedings shall be instituted in the circuit court of the county, and the jury shall be composed of disinterested freeholders of the county, not residing or owning property within the corporate limits of such city or village, and shall be empaneled as follows: The sheriff of the county shall make a list of twenty-four disinterested freeholders of the several townships of said county, and the city attorney and the respondents shall each have the right to strike six names from said list, and the twelve persons left thereon shall compose the jury, and shall be summoned to attend by a *venire* issued by the clerk of said court, and to be served by said sheriff. Proviso—as to land outside corporate limits. If the respondents refuse to strike six names from said list, it shall be done by the circuit judge, and in case any of the persons so summoned shall not attend, or shall be excused for cause on a peremptory challenge or otherwise, talesmen possessing the necessary qualifications shall be summoned by said sheriff. Empanelling jury.

SEC. 28. The common council or board of trustees shall not have power to discontinue proceedings under this act after the rendition of the verdict of the jury, but they may direct the city or When council or trustees may appeal or move for new trial.

village attorney to move for a new trial, or to arrest the proceedings, or to take an appeal to the supreme court, and in any case the same proceedings shall be taken as are hereinbefore prescribed in the case of like proceedings on the part of any respondent.

Cities and villages may proceed under charters.

SEC. 29. Cities and villages now authorized under existing acts of incorporation, to take private property for public uses, may severally proceed under the provisions of their respective local charters, or under the provisions of this act, as may be determined by the common council or board of trustees of such city or village. And this act shall not be construed as in any way affecting or impairing the provisions of such local charters on the subject of taking private property for public uses.

SEC. 30. This act shall take immediate effect.

Approved May 23, 1877.

[No. 202.]

AN ACT to amend section two of an act entitled "An act to provide for the erection and maintenance of shutes for the passage of fish through the dams across the streams of this State," being compiler's section two thousand and ninety of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and ninety-five of the session laws of eighteen hundred and seventy-five, approved May first, eighteen hundred and seventy-five, and to add five new sections thereto, to stand as sections five, six, seven, eight, and nine of said act.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section two of an act entitled "An act to provide for the erection and maintenance of shutes for the passage of fish through the dams across the streams of this State," being compiler's section two thousand and ninety of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and ninety-five of the session laws of eighteen hundred and seventy-five, approved May first, eighteen hundred and seventy-five, be and the same is hereby amended so as to read as follows:

Erection of shutes.

SEC. 2. There shall be erected and maintained in each dam now existing or which may hereafter be constructed across any (stream or) river in this State sufficient and permanent shutes or fish ladders to admit of the free and uninterrupted passage of fish over such dam or dams during the months of March, April, May, and June in each and every year. Such shutes or fish ladders shall be put in or provided for such dam or dams in such manner as shall be prescribed by the Board of Fish Commissioners of this State.

Sections added.

SEC. 2. There shall be added to said act five new sections, to stand as sections five, six, seven, eight, and nine, to read as follows:

SEC. 5. It shall be the duty of the owners or occupants of any

dam across any stream in this State, and the owner or occupant of any dam hereafter constructed across any stream in this State, or the owner, occupant, firm, corporation, company, person or persons using such dam or dams, or enjoying the use of the same for any manufacturing purpose whatever, or for the purpose of furnishing water to propel any machinery, to cause to be erected in such dam or dams such permanent shutes or fish ladders and of such construction and material as shall be prescribed by the "Fish Commissioners" of this State, such shutes or fish ladders to be completed and placed in all dams in existence at the date of the passage of this act on or before the first day of March, eighteen hundred and seventy-eight, and all dams hereafter built shall be constructed with such shutes or fish ladders at the time of the building of said dams. All such shutes or fish ladders shall be maintained and kept in good repair by the owners or occupants of such dam or dams, or by the persons using the waters thereof as aforesaid, during the whole time of the existence of said dam or dams, and they shall keep said shutes or fish ladders open for the free passage of fish during all of the months of March, April, May, and June of each year as aforesaid: *Provided*, That on all streams where there is not a surplus of water for all legitimate purposes of the dam owner during all of the months of March, April, May, and June, that said owner shall only be required to keep such shute open when there is waste water, and to cause such waste water to pass through such shute sufficient to furnish free passage for fish up such stream.

Owners, etc., to erect shutes.

Shutes to be kept in order.

When to be kept open.

Provided.

SEC. 6. It shall be the duty of the Fish Commissioners of this State to procure made a draft of a general plan on a scale of sufficient size for a working plan for a suitable shute or fish ladder, of such construction as will in their opinion best subserve the free passage of large and small fish, both up and down the streams at the dams, on which plan shall be designated the greatest allowable slope per foot run of said shutes or fish ladders when in place in the dam; also the proper width and depth, together with such other details and specifications in respect to materials and construction, and connection with the dam, as will enable an ordinary carpenter to properly construct and place the same; and it shall be the further duty of said Fish Commissioners to procure to be lithographed two thousand fair copies of said plan and specifications, and to cause to be mailed to the address of the township clerk of each organized township in the State one copy of said plan and specifications, with instructions to said township clerks to place the same on file in their offices, and not to allow said plans and specifications to be taken thence, but to keep them open to the inspection of owners and occupants of dams, and persons using the water thereof in the township for their purpose of taking copies of the same; said plan and specifications shall also be open to the inspection of the general public when not in use, as above, by the owners and occupants of dams, who shall make their shutes and fish ladders in accordance with said plan and specifications in all essential details; the expenses incurred in procuring and mailing of

Fish commissioners to procure draft of plan for shutes.

Plan, etc., to be lithographed and mailed to clerks of townships.

Plans, etc., to be open to inspection by the public.

Payment of
expense of pro-
curing plans, etc.

said lithographed copies of said plans and specifications shall be audited by the Board of State Auditors, and paid by the State Treasurer out of any moneys in the State Treasury not otherwise appropriated.

Supervisor to be
inspector of
dams.

SEC. 7. The supervisor of each township is hereby made inspector of dams in his township during his term of office, and it shall be his duty to prosecute, in the name of the people, with the aid of the prosecuting attorney of his county, in all cases where this law is not complied with, upon the complaint of any twelve citizens of the county. The supervisor shall be paid out of the contingent fund of the county, the sum of two dollars for every day actually spent in the inspection of dams in his township, or while actually employed or engaged in the prosecution of any suit under this act, to be allowed and paid by the board of supervisors. And the prosecuting attorney of any county, the citizens of any portion of which are or may be affected by the erection or continuance of any dam across any river flowing through any portion of such county, whether such dam shall be located in such county or in any other county in this State, shall, upon the application of the supervisor of any township or supervisor district of his county, prosecute any person or persons for any violation of any of the provisions of this act.

Pay of super-
visor.

Prosecution for
violation of act.

Penalty for neg-
lecting to com-
ply with the
provisions of this
act.

SEC. 8. If the owner or occupant, or any firm, corporation, company, person or persons using or enjoying the use of any dam or dams across any stream in this State which is now built, or which may be built hereafter, shall fail to comply with all the provisions of this act with respect to the construction and maintenance in good repair of such shutes or fish ladders in any such dam or dams, after having been notified in writing by said supervisor to construct the same, he or they shall be deemed guilty of a misdemeanor, and for each and every thirty days that such owner or occupant shall neglect or refuse to comply with all the provisions of this act applicable to him or them, he or they shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in the county jail not exceeding ninety days, or by both fine and imprisonment, in the discretion of the court.

Fines to be paid
to county treas-
urer.

SEC. 9. All fines and penalties arising under this act shall be paid into the county treasury of the county wherein said dam or dams are located, and the same shall be credited to the contingent fund of such county.

Acts repealed.

SEC. 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 4. This act shall take immediate effect.

Approved May 23, 1877.

[No. 203.]

AN ACT relative to dividing townships and villages into election districts and to provide for the registration of electors in such cases.

SECTION 1. *The People of the State of Michigan enact, That* in any township in the State of Michigan the township board thereof may divide said township into two or more election districts: *Provided*, Such division be made at least twenty days previous to the first general election or township meeting thereafter and a diagram of the boundaries of each district be posted therein in three or more public places with a plain description and the number of the same, not less than fifteen days previous to such election or township meeting: *Provided further*, That no township shall be so divided unless it contains at least three hundred electors.

Division of townships into election districts authorized.

Proviso.

Further proviso.

SEC. 2. The township board of such township shall enter upon their record the boundaries and number of each of said election districts, commencing at number "one," and shall have power to change the same, and shall give like notice of such change, before the next general election or township meeting as required by section one of this act for establishing the boundaries of such district. They shall also give six days' notice of the place in each district of holding the first election or township meeting therein.

Boundaries and numbers to be entered on record of township board.

Change of boundaries.

Notice of first election.

SEC. 3. The township officers of said township, who, by existing laws, constitute the board of inspectors of election in said township, shall be the board of inspectors of election in election district numbered "one" therein, and two justices of the peace and the treasurer of said township shall be the board of inspectors of election in election district numbered "two," and in case there shall be more than two election districts in any township the township board shall for the remaining districts appoint three freeholders, who shall be residents and qualified electors of the district in which they shall serve, to constitute a board of inspectors of election in such remaining district, and shall hold their office until their successors are elected and qualify, and shall be known as "district inspectors of election." The manner of such election of inspectors shall be by ballot as for township officers chosen by ballot, and the ballot shall contain the name of the person voted for and the words "inspector of election" added thereto, and the three persons receiving the highest number of votes in said district for said office shall be the board of inspectors of election for the ensuing year in such district, and until their successors are elected and qualify.

Boards of inspectors of elections in election districts.

Manner of electing inspectors.

SEC. 4. The boards of inspectors of each district shall be inspectors of elections in each election or township meeting held therein. They shall appoint one of their number chairman of the board, shall administer oaths, make appointments, and have the same powers and authority for preserving order and enforcing their commands and all other powers for proceeding with the elections

Inspectors of election, their powers and duties.

Compensation
and oath of office.

in said district, and shall conduct the elections therein, in the same manner as now or hereafter directed by law for township inspectors of general elections held in this State, unless herein otherwise provided. They shall receive the same compensation of township inspectors from the township, and before entering upon their duties shall take and subscribe the oath of office prescribed by the constitution.

Electors to vote
in district in
which they
reside.

SEC. 5. The electors of each district shall vote in the respective districts in which they reside, and for which they are registered, except such as are required to act as inspectors of election, who may vote at the polls where they act as inspectors.

Registration of
electors in dis-
tricts.

SEC. 6. The board of registration of said township shall complete the registration of electors of each district in separate district registers, and shall transcribe to such district register from the township register the names of such electors as they know are qualified electors and residents of such district, and shall cause such district register to be present at every election for the use of each district board of inspectors; and for the purpose of perfecting the registration of electors in any election district said board of registration may appoint a resident qualified elector of such district, who shall make and subscribe the oath of office referred to in section four of this act, and said elector with one of the members of said board of registration may hold meetings not to exceed three in number, of one day each, giving suitable notice thereof, at such time and place in said district as said township board of registration shall direct, and after completing said district registration in the manner prescribed by existing law for the registration of electors, and before the next coming election, shall return said district register to the custody of said township board of registration.

Canvass of votes
in district.

SEC. 7. The district inspectors of elections shall, without adjourning, publicly canvass the votes received by them, the same as prescribed by law for canvassing votes at the general elections in this State, except as herein otherwise provided, and shall on the same day make a statement in writing, setting forth in words at full length the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the whole number of votes given upon each question voted upon, and the number [of votes] given for and against the same; which statement shall be certified, under the hands of the inspectors of election of such district, to be correct, and they shall deposit such statement and certificate on the day of election, together with the poll list and the register of electors and the boxes containing said ballots, with the board of inspectors of district numbered "one," and said last named board shall immediately consolidate said district reports, and the combined result shall be the official canvass of said township.

Official canvass
of township.

Meeting to
transact business
by viva voce vote
of township.

SEC. 8. The electors of each election district shall meet at one o'clock in the afternoon at the polling place of district numbered "one," unless some other place of meeting be designated by the

board of inspectors of district numbered "one," which place shall be announced by the clerk of the board of each district to the electors present, and there transact such business as is usually transacted at township meetings, by *viva voce* vote.

SEC. 9. The president and trustees of any incorporated village may divide said village into as many election districts, containing as nearly as possible an equal number of qualified electors, as they shall deem necessary and convenient for conducting the elections in said village. They shall give not less than fifteen days' notice of said division before the next ensuing election in said village, by posting in not less than three public places in each election district, or by publishing the same two weeks in a newspaper published in said village, a description of the boundaries of said district, and the place of holding the first election therein, and the number of said district.

Division in villages.

Notice of division.

SEC. 10. Said president and trustees shall make a record of the boundaries and number of each election district and file the same with the clerk of the village so divided, and may change the same by giving the notice before the ensuing election as required by [in] section nine of this act.

Record filed with clerk of village.

Change of boundaries.

SEC. 11. The officers of said village who, by existing law, act as a board of inspectors of election of said village shall, under this act, constitute a board of inspectors for election district numbered "one" of said village, and one of said trustees, with two qualified electors who are freeholders, the latter of whom shall be residents of the election districts in which they serve, shall constitute a board of inspectors of election in each of the remaining election districts. Six days' notice of such first appointment for any district, with the place of holding the first election therein, shall be given in said district, and said inspectors shall hold their offices for one year and until their successors are appointed and qualify.

Inspectors of election.

Term of office of inspectors.

SEC. 12. Each board of district inspectors of election shall appoint one of their number chairman, and shall conduct the election in said district with the same power and authority and in the same manner, unless herein otherwise provided, as now or hereafter directed by law for inspectors of general elections held in this State, unless herein otherwise provided, and shall, at the closing of the polls, without adjourning, publicly canvass the votes received by them the same as in general elections, and declare the result, and shall on the same day make a statement in writing, setting forth the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the number of votes so given for each person; which statement shall be certified under the hands of the inspectors of such election district to be correct, and they shall deposit such statement and certificate on the day of election, together with the poll list and the register of electors and the boxes containing said ballots, with the board of inspectors of election of district numbered one, who shall combine the reports from each district upon each question and

Manner of conducting elections.

Canvass of votes in districts.

Official canvass of village.

Registration of
electors in vil-
lages.

proposition, and what persons were duly elected, and the result thereof shall be the official canvass of such village.

SEC. 13. The registration of electors shall be conducted in said village by the board of registration thereof, in the same manner as above provided for the registration in township election districts, and where not so provided, then by existing laws for registration of electors, and all such persons appointed or elected as herein provided shall, before entering upon the duties of their office, make and subscribe the constitutional oath of office of this State, and said villages may provide for the payment of such officers.

Approved May 23, 1877. .

[No. 204.]

AN ACT to authorize the board of inspectors of the Michigan State Prison at Jackson to convey certain State land in the city of Jackson, for the purpose of extending certain streets across State lands in said city, and provide a burial place for deceased prisoners outside of the limits of said city of Jackson.

Conveyance
authorized.

SECTION 1. *The People of the State of Michigan enact*, That the board of inspectors of the Michigan State Prison at Jackson are hereby authorized to convey, by quit-claim deed, to the city of Jackson, in the county of Jackson, all the interest of the State of Michigan in and to certain State land in said city of Jackson, to be used for public streets or highways, on the northwest quarter of section thirty-five, town two south, of range one west, as follows:

Lands described.

Four rods in width, commencing at the present terminus of Irving street, on the south bounds of said State land, and where said Irving street strikes said State land, and thence north, extending said Irving street across said State land to intersect said Irving street on the north bounds of said State land, also two rods in width of land on the south bounds of said State lands, running from Cooper street east across said State lands, to intersect Leroy street; also two rods in width of land on the north bounds of said State land running east from Cooper street to said Irving street.

Purchase of
burial place for
deceased prison-
ers authorized.

SEC. 2. The said board of inspectors are hereby authorized to purchase for a burial place for deceased prisoners not to exceed fifteen acres of land, the same to be located outside of the city limits of said city of Jackson. And after said burial place has been selected, and the deed executed to the State for the same, the State Treasurer is hereby authorized to pay the purchase price for the same out of the general fund, in the same manner as other claims allowed by said board of inspectors are paid by the State.

SEC. 3. This act shall take immediate effect.

Approved May 25, 1877.

[No. 205.]

AN ACT to provide for the incorporation of societies for the receiving, loaning, and investing of money.

SECTION 1. *The People of the State of Michigan enact*, That any ten or more persons may associate and form a society, under the provisions of this act, for the purpose of receiving, loaning, and investing money; but it shall not be lawful for such society to discount, buy, or sell commercial paper or exchange, to issue any letters of credit, nor to do any business pertaining to banking, except as in the receiving, loaning, and investing of money as herein provided.

Formation and purpose of society.

Limit of business.

SEC. 2. The capital of such society shall consist of the amounts remaining therein, of the sums paid in on the shares which may be issued from time to time to the members thereof, and such shares may be of one or more denominations, but of amounts not less than twenty-five nor more than one hundred dollars each, and may either be paid up at once, or by periodical installments, or by voluntary subscriptions.

Capital and shares.

SEC. 3. Such society may receive loans or deposits of money from its members, or from other persons, partnerships or corporations, at interest not exceeding *seven* per centum per annum, or without interest, and for such time certain, as may be agreed upon, and may issue its bonds, certificates, or other evidences of indebtedness therefor: *Provided*, That such society shall not receive any such loans or deposits until such society shall have actually invested fifty thousand dollars of its paid-in permanent stock capital in real estate securities, as provided in sections eight and nine of this act.

Receiving loans and deposits.

Proviso.

SEC. 4. The total amount of loans or deposits received and not repaid by such society, under the provisions of the last preceding section, shall not at any time exceed *two-thirds* of the amount for the time being secured to such society by bonds and mortgages or notes and mortgages on real estate, as provided in sections eight and nine of this act; it being the true intent of this section that *at least one-third* of the amount invested in the securities as aforesaid shall consist of the capital paid in by the members of such society; and it is hereby declared that, in case of the insolvency or winding up of such society, the parties making such loans or deposits shall be preferred creditors of such society: *Provided*, That if such society shall receive loans or deposits in excess of the limits prescribed in its articles of association, the directors and officers of such society receiving such loans or deposits on its behalf, shall be personally liable for the amount so received in excess: *And provided further*, That no part of the capital of such society shall be at any time withdrawn from or repaid by such society, so as to affect or impair the amount of the capital required by this section to be invested in real estate securities, as a protection and guarantee for such loans or deposits.

One-third of amount invested to consist of capital paid by members.

Parties making deposits preferred creditors. Proviso—directors and officers personally liable.

Proviso—capital not to be withdrawn.

SEC. 5. It shall be the duty of every society formed under this act, to exhibit in some conspicuous place in its principal office, not

Monthly statement, where kept.

later than two o'clock P. M., on the first business day of every month, and to continue the same in such place until the next exhibit shall be made, a statement showing correctly and distinctly the amount outstanding on the bonds and mortgages or notes and mortgages held by such society, and the amount owing for loans and deposits made to or with such society, and what proportion such outstanding amount bears to such liabilities; such statement to be made up to the close of the next preceding month, and to be signed by the president and manager, and to be attested by the auditors of such society, and if any of such officers as aforesaid, shall willfully make or knowingly consent to any false statement in such exhibit, he shall by so doing be deemed to have committed a misdemeanor, and shall, upon conviction thereof, be punished as provided in section twenty of this act.

Limit of stock to be held by one person.

SEC. 6. The amount of stock of such society to be held at any time by any person, or by persons jointly, or by partnerships and corporations, shall not exceed the sum of five thousand dollars.

Personal liability of members.

SEC. 7. The liability of any member of such society shall be limited to double the amount actually paid in and remaining with such society, together with the amount of any periodical installments that may be due and unpaid on any share or shares issued to him, except for labor performed for such society; and the liability for such labor may be enforced against any member, by action founded on this act, at any time after an execution against such society for such labor shall have been returned unsatisfied, or at any time after winding up or bankruptcy proceedings shall have been commenced by or against such society: *Provided*, That if any member shall be compelled by such action to pay any claim for such labor, or any part thereof, he shall have the right to call upon all the members to pay their part of the sum so paid by him as aforesaid, and may sue them, jointly or severally, or any number of them, and recover in such action the ratable amount due from the member or members so sued.

Liability for labor.

Proviso.

How capital to be invested.

SEC. 8. Such society is hereby empowered to lay out and invest its capital, or other moneys entrusted or in anywise belonging to such society, in the first place, in paying and discharging all costs, charges, and expenses incurred in the formation and management of such society; and the remainder of such capital or other moneys, or so much thereof as may from time to time be deemed necessary, may be advanced by way of loan to any person or persons, partnerships, or corporations in sums not exceeding two thousand dollars to any one borrower, as aforesaid, and upon security of bonds and mortgages or notes and mortgages, on unincumbered real estate, of at least double the value of such loans; or any part or parts of such capital, or other moneys, may be invested in the stocks or bonds of the United States, or of any of the so-called New England, Middle, or Northwestern States, or in any bonds lawfully issued by any county, city, or school district in this State, and upon such terms and conditions as to such society shall seem satisfactory and expedient.

SEC. 9. Every borrower from such society of a loan, secured by bond and mortgage or note and mortgage on real estate, in accordance with section eight of this act, shall have the right to repay such loan, together with interest, by certain periodical installments, hereinafter called loan repayments, extending over such period not less than one nor more than ten years as shall be stated in such bond and mortgage or note and mortgage: *Provided*, That such interest shall not exceed ten per centum per annum, and shall be calculated on the amount or balance of principal from time to time owing: *Provided also*, That no such borrower shall be charged with or pay any commission in the way of premium or discount on the amount of loan so made to him on security as aforesaid.

Payment of loan
by periodical
installments.

Proviso—rate of
interest.

Proviso—com-
mission not
allowed.

SEC. 10. In case any borrower of a loan from such society shall desire to redeem his property before the expiration of the time limited or mentioned in his bond and mortgage or note and mortgage, for the re-payment of such loan, he shall be allowed to do so, at such time or at the end of such notice as shall be stated in or required by such society's by-laws, upon payment of any loan, repayments, or other sums of money due and unpaid, together with the amount of the present value of all loan repayments accruing or to become payable, according to the terms of such bond and mortgage or note and mortgage, such present value to be found by discounting such loan re-payments for the period at which each would become due, at the same rate of interest as is promised and secured to be paid for such loan, and nothing in this act shall authorize or sanction the charge or payment in such case of any other money by way of redemption fee or otherwise of such property.

Payment of loan
before due.

Present value,
how found.

SEC. 11. In case any borrower of a loan from such society shall make default in the payment of any loan re-payments or of any other moneys payable pursuant to the terms and requirements of his bond and mortgage or note and mortgage, or in the performance or observance of any duty or conditions enjoined by or contained in such bond and mortgage or note and mortgage, whereby the principal and other sums of money secured by such bond and mortgage or note and mortgage, are thereupon to become immediately due and payable, the sum or sums to be paid, on a sale or foreclosure, in settlement or discharge of such bond and mortgage or note and mortgage, shall be the amount of any past-due and unpaid loan repayments or other moneys, and the amount of such attorney fee and costs as are secured by such bond and mortgage or note and mortgage, together with the amount of the present value of all the loan re-payments remaining unpaid after the payment of past-due loan re-payments as above, such present value to be found according to the rule set forth in the last preceding section.

Default in pay-
ment of loan
re-payments, etc.

Sums to be paid.

SEC. 12. When all moneys intended to be secured by any bond and mortgage, or note and mortgage, given to any society formed under this act have been fully paid or discharged, such society shall endorse upon such mortgage a receipt under the corporate seal of

Receipt to be
endorsed on
mortgage.

such society, signed by its president and manager in the presence of two witnesses, and to be acknowledged by said president and manager before a notary public, and such receipt shall discharge such mortgage without any re-conveyance or re-surrender whatever, and such receipt shall be in the following form :

Form of receipt.

The _____ society limited, hereby acknowledge to have received all moneys intended to be secured by the within written mortgage, given by _____ to _____ for the sum of _____, dated _____ and recorded in the office of the Register of Deeds in and for the county of _____, in Liber _____, on page _____ of mortgages.

In witness whereof the corporate seal of such society is hereto affixed this _____ day of _____ in the year _____, by order of the board of directors, duly made and recorded.

[L.S.]

President.

Manager.

Articles of association, what to state.

SEC. 13. The persons proposing to form a society under the provisions of this act shall make written articles of association, which shall be signed and acknowledged before a notary public, and which shall state,—

Name.

First, The name by which such society shall be known: *Provided,* That the word limited shall be the last word in such name;

Place of business.

Second, The place in this State where its principal office is to be located;

Purpose.

Third, The purpose for which such society is formed;

Capital.

Fourth, Whether its capital is fixed, and if so, at what amount, or whether it is to be of an amount varying from time to time;

Shares.

Fifth, The amount [amounts] of its several shares, and how designated one class of which shall be known as permanent stock;

Payment of shares.

Sixth, How such several shares may be paid;

Capital paid in.

Seventh, What amount of capital, if any, will be actually paid in before commencing business;

Extent of loans.

Eighth, The maximum extent, not exceeding the limits prescribed by section four of this act, to which such society is to receive money on loan or deposit;

Term.

Ninth, The time such society shall exist, not exceeding thirty years; and

Names of shareholders, etc.

Tenth, The names, in full, of the persons associating, their respective residences, and the number and class of shares subscribed for by each of them.

To be filed with Secretary of State.

SEC. 14. The articles of association required by the last preceding section shall be filed and recorded in the office of the Secretary of State of this State; and two copies of such original articles shall be made, which the said Secretary of State shall certify, over his official signature and the seal of this State, as being correct copies of such original articles so filed and recorded; one of said copies shall be filed and recorded in the office of the clerk of the county

in which the principal office of such society shall be located, and the said clerk shall certify, over his official signature and the seal of the circuit court of said county, that such certified copy of said original articles has been filed and recorded in his office; and the other copy of such [said] original articles shall be held by the society named therein; and the said articles or copies thereof, duly certified by either of the aforesaid officers, may be used as evidence in all courts and places of the incorporation of, as well as for or against such society; and the said Secretary of State and the said county clerk shall each be paid for such filing, recording, and certifying at the rate of ten cents for each one hundred words contained in such articles.

Certified copy to be filed with clerk of county.

Certified copies may be used as evidence.

Fees for filing, recording, etc.

SEC. 15. After such articles shall have been filed and recorded as above required, the persons signing the same and such other persons, partnerships, and corporations who shall from time to time be possessed of any share or shares in the capital stock of such society, and their several successors and assigns, shall be deemed a body corporate and politic by the name mentioned in such articles; but such name shall not be identical with that of any other society already formed under this act, or so nearly resembling the same as to be calculated to deceive, unless such other society consents to the adoption and use of such name at any time within the thirty days immediately preceding the expiration of its charter.

Body corporate and politic.

No two societies to have same name.

SEC. 16. Each society established under the provisions of this act shall have a common seal, which seal shall not be altered or imitated, and shall in all cases bear the corporate name of, together with such device or motto as may be adopted by, such society, and such seal shall be impressed upon the original articles of association of such society; and shall have power in its corporate name to sue and be sued, appear, prosecute, and defend all actions and causes to final judgment and execution in any courts or elsewhere; to do all acts that may be necessary for receiving or repaying the moneys paid in from time to time by its members or other persons, partnerships, or corporations, and for crediting or paying profit dividends or interest on such moneys; for loaning or investing the moneys so received, or any part thereof, and the interest and profit arising therefrom upon such real estate, stocks, or bonds, as are stated in section eight of this act, and for receiving and obtaining repayment thereof, and for compelling the payment of any interest or other moneys due on or in connection with any sum or sums so loaned or invested; and for enforcing the observance and fulfillment of any conditions annexed to or connected with moneys so received and repayable or so loaned and invested, or the forfeiture of any term or delay of payment consequent on the non-fulfillment thereof; and to give receipts and acquittances and discharges for the same, either absolutely and wholly, or partially; and such society may, for all and every and any of the foregoing purposes, and for every and any other purpose in this act mentioned or referred to, lay out its capital or other moneys and property for the time being, or any part thereof, with power to do,

Common seal.

General powers relative to the transaction of business.

authorize, and exercise all acts and powers whatsoever, in the opinion of the directors of such society requisite or expedient to be done or exercised in relation thereto.

What real estate society may acquire.

SEC. 17. The only real estate which it shall be lawful for any society formed under this act to acquire, by purchase or otherwise, shall be such as it may be necessary to buy or take in the enforcement of its securities and the collection of any claims or debts due to it; and all conveyances of real estate so acquired shall be taken by such society in its corporate name; and such real estate shall be sold by such society within ten years after the same shall be vested in it by purchase or otherwise, and such society shall sell and convey such real estate free from any claim thereon by any of its members, or any person claiming under them, by an instrument under its corporate seal and under the hands of its president and manager, duly authorized, and duly acknowledged: *Provided, however,* That such society may purchase, or hold upon lease, any land for the purpose of erecting thereon a building for its accommodation and the convenient transaction of its business, or it may purchase, build, hire, or take upon lease any building, and may adapt and furnish the same for so conducting its business, and if occasion requires may sell, exchange, or let such land or buildings, or any part thereof.

Real estate to be taken in corporate name.
To be sold within ten years.

Proviso.

Dealing in personal property.

SEC. 18. It shall not be lawful for such society to acquire, hold, or deal in any personal property other than as provided in this act and such as may be necessary for the transaction of its business.

Calling first meeting.

SEC. 19. The first meeting of such society may be called by a notice, signed by any two of the associates who signed its articles of association, setting forth the time, place, and objects of such meeting, such notice to be mailed to the residence of each associate at least ten days prior to such meeting; and a majority of such associates at such meeting shall be competent to make all such by-laws as they may deem necessary for the proper management of such society's business, so as such by-laws are not repugnant to, or inconsistent with, the provisions of this act or of any law of this State or of the United States: to elect the first board of directors, which board, and all subsequent boards, shall consist of not less than six nor more than nine members of such society, and which board shall elect from their own number the president and vice president of such society; and also to elect two auditors who, as well as all their successors, may or may not be members of such society; such directors and auditors to hold their offices until their successors shall have been elected as is provided for in the next following section; and to transact any other business necessary for the organization of such society and appropriate to such meeting; and the secretary of such meeting shall make full and correct minutes of its proceedings upon the books or records of such society, and the same, being signed by its chairman, shall be deemed and taken to be *prima facie* evidence of the action of such meeting.

By-laws.

Election of board of directors.

President and vice president.
Auditors.

Term of office.

Minutes of proceedings to be recorded and signed.

SEC. 20. Every society formed under this act shall hold an

annual meeting of its members on some one of the first fourteen days in the month of February in each and every year, for the purpose of considering and determining upon any matter, not requiring special notice, relating to such society's business, and for the election of directors and auditors to serve for the ensuing year, or until their successors are elected and qualified; but before such election takes place, the retiring directors shall present to such meeting a report, signed by the president, of such society's transactions during their term of office, accompanied by such information and suggestions as they may deem proper to give in relation to such society's affairs, and to the future management thereof; and they shall also present to such meeting an account of all the receipts and disbursements of such society for the year ending on the thirty-first day of December next previous thereto, and a general statement of such society's funds and effects, liabilities and assets, as at the close of the date last aforesaid; such account to state fully and clearly the amounts received on each class of shares issued, the amounts received on loans, the amounts received on deposits, the amounts received as principal and interest from bonds and mortgages or notes and mortgages, the amounts received as principal and interest from stocks and bonds, the amounts received for fines from members and borrowers, and the amounts received for incidentals and for any and all other matters; and such account shall show on its contra side the amounts paid out for principal and interest or dividends on each class of shares, for principal and interest on loans, for principal and interest on deposits, for amounts loaned on bonds and mortgages or notes and mortgages, for amounts invested in the several stocks and bonds as allowed by this act, for amounts paid on accounts, or for any matter or thing other than general management expenses, and the amounts paid for rent, taxes, salaries, law charges, stationery, printing, advertising, and other expenses of management; and such general statement shall clearly show such society's liability for principal and interest or dividends (including periodical installments in arrear, the amount of which shall be stated in brackets) on each class of shares, for principal and interest on loans, for principal and interest on deposits, and for all indebtedness on any and every other account; and such general statement shall state fully on its contra side the amounts due and unpaid for periodical installments and fines on shares, the amounts due and unpaid for principal, interest, and fines on bonds and mortgages or notes and mortgages, the amounts due and unpaid for principal and interest on stocks and bonds, the amount outstanding and not then due (not including prospective interest) on bonds and mortgages or notes and mortgages, the amount of principal outstanding and not then due on stocks and bonds, the amount of interest accrued but not then due on said stocks and bonds, the amount [amounts] of any other moneys, claims, debts, costs, or damages owing to such society, and the amount or cash value of any and all real estate, and of any and all personal property, owned and held by such society; and in all cases

Annual meeting,
purpose of.

Report of re-
tiring directors
to be presented
to annual meet-
ing, what it shall
state.

the amounts for principal shall be stated in such account and general statement separate and distinct from amounts for interest or dividends; and such account and general statement shall be signed by the president, countersigned by the manager, and attested by the auditors of such society; and each member of such society shall have a printed copy of such report, account, and general statement sent to him along with the circular notice convening such annual meeting, such notice to be mailed, at least ten days before such meeting, to the registered address of each member; and such society shall also publish such report, account, and general statement in some newspaper printed in the county where the principal office of such society is located; and any director, president, or other officer who shall include, or knowingly consent to, any false statement in such statement or report, or in any other statement required to be made by this act, or by any vote of such society at any meeting thereof, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars, or by imprisonment in the State prison not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Statement to be signed and countersigned.

Each member to have printed copy of report.

Report to be published in newspaper.

Penalty for false statement.

Profits or losses to be ascertained and declared at close of each year.

Apportionment of profits.

Member not entitled to dividend except on full payment of shares.

Yearly report to State Treasurer, what to contain.

SEC. 21. The profits or losses of such society's business shall be ascertained as at the close of the thirty-first day of December in each and every year, and the same shall be declared by the directors in their report to the next following annual meeting of such society. The net profits, after providing for the payment of accrued interest and all liabilities other than for interest or dividends on capital, and after setting apart for the purpose of forming and maintaining a permanent reserve fund to meet future contingencies, such sum, not less in any year than two per centum upon the net profits of the business of such year, as the directors for the time being shall think fit, shall be apportioned *pro rata* between each class of shareholders according to the moneys paid in on their several shares, and for the average or actual time that such moneys have been in the possession and use of such society, but no such interest or dividend shall be paid to any member (except on his withdrawal from such society under the provisions of its by-laws) until his share or shares are fully paid up, and the interest or dividends on paid up shares may be paid annually or semi-annually, as the directors for the time being may determine and order.

SEC. 22. Every society formed under this act shall, on or before the seventh day of February in each and every year, report to the State Treasurer of this State the amount of paid up capital, an account of all the cash receipts and disbursements of such society for the year ending on the thirty-first day of December next previous thereto, and also a general statement of such society's funds and effects, liabilities and assets, as at the close of the date last aforesaid, such account and general statement to contain all the facts and information as are required by section twenty of this act, to be given in the account and general statement to be presented to such society's annual meeting in said month of February, and every

such report shall be signed and verified on oath or affirmation, before a notary public, by two directors and by the president and manager of such society, and if any person signing such report shall, as to any material facts, knowingly and willfully swear or affirm falsely, he shall be deemed guilty of perjury, and be punished accordingly; and such report shall be filed in the office of said State Treasurer, and shall be published by him in his annual report. If any such society shall neglect to make out and transmit the report required in this section for one month beyond the period when the same is required to be made, such society may be deemed to have willfully violated the provisions of this act, and may be proceeded against and dissolved in the same manner as any other corporation may be proceeded against and dissolved.

Report to be signed and verified.
Falsely swearing to report, perjury.

Society neglecting to report may be dissolved.

SEC. 23. Whenever the State Treasurer of this State shall, upon knowledge, information, or belief, derived from any report made to him by any such society, or from any other source, be satisfied that the business of such society is being conducted in a manner inconsistent with the provisions of this act, or of any of the laws of this State, and prejudicial to the interests of the creditors of such society, or if such society shall neglect to make the report as required by the last preceding section, he shall notify the Governor and Attorney General of this State of such fact, and it shall thereupon become the duty of the said Attorney General to examine into the affairs, condition, and management of such society, and to report such examination in writing, together with a detailed statement of facts to the said Governor, who shall lay the same before the Legislature; and for the purpose of making such examination the said Attorney General shall have power to call to his assistance the services of an accountant, to administer all necessary oaths to the directors and officers of such society, and other witnesses, and to examine them on oath in relation to the affairs, conditions, and management thereof, and to examine the vaults, safes, securities, books, papers, and documents belonging to such society, or pertaining to its affairs, condition, and management; and if the said Governor on receipt and consideration of such report shall deem such society to be insolvent, or to have conducted its business in a manner inconsistent with the provisions of this act, or of any of the laws of this State, he shall order and it shall be the duty of the said Attorney General to institute proceedings against such society for the dissolution thereof in the proper court, and in the same manner as any other corporation may be proceeded against and dissolved.

State Treasurer to notify Governor and Attorney General when business not properly conducted.

Attorney General to examine management, etc., and report to Governor.

Governor to lay report before Legislature.
Examination by Attorney General.

Governor may order Attorney General to institute proceedings to dissolve society.

SEC. 24. Every officer of a society formed under this act, having the receipt or charge of any money or other property belonging to such society shall, before entering upon the execution of his office, become bound with two or more sufficient sureties, in such sum as the directors shall require, and according to the following form of bond:

Officers to give bonds...

Know all men by these presents, that we, A B, of -----,
one of the officers of the ----- society limited,

Form of bond.

established at _____, in the county of _____, in the State of Michigan, and C D and E F, of _____ (as sureties on behalf of the said A B), are jointly and severally held and firmly bound to the said society, in the sum of _____ dollars of lawful money of the United States, to be paid to the said society, for which payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs and representatives, firmly by these presents, sealed with our seals. Dated the _____ day of _____, in the year of our Lord _____.

Whereas, the above bounden A B hath been duly appointed to the office of _____ of the _____ society limited, established as aforesaid, and he, together with the above bounden C D and E F as his sureties, have entered into the above written bond, subject to the condition hereinafter contained: Now, therefore, the condition of the above written bond is such, that if the said A B shall and do justly and faithfully execute his said office, and shall and do render and enter a just and true account on such society's books of all moneys received and paid by him, and shall and do pay over all the moneys remaining in his hands, and deliver all securities and effects, books, papers, and property of or belonging to such society in his hands or custody, to such person or persons as such society shall appoint, or according to the by-laws of such society, together with the proper or legal receipts or vouchers for such payments, then the above written bond shall be void and of no effect; otherwise shall be and remain in full force and virtue.

Embezzlement
by person em-
ployed by society
to be larceny.

SEC. 25. If any director, officer, clerk, agent, servant, or other person in the employment of any society formed under this act, shall embezzle or fraudulently dispose of or convert to his own use, or shall take or secrete with intent to embezzle and convert to his own use, any money or property of such society, or of any of its dealers or customers, which shall have come to his possession, or shall be under his charge by virtue of such office or employment, or otherwise, he shall be deemed by so doing to have committed the crime of larceny, and shall be punished accordingly.

Service of legal
process on soci-
ety.

SEC. 26. Service of legal process on any society formed under this act may be made on any one of the directors or on the manager thereof, or any other officer of such society, if any such director or manager or other officer be in the county where such society's principal office is located; but if not there, by leaving a copy of such process with any officer thereof, at such office as aforesaid.

Minors author-
ized to own
shares, make
loans, etc.

SEC. 27. It shall be lawful for any minor above fourteen years of age to take and hold shares in, or to make loans or deposits of money to or with, any society formed under this act, and for such society to pay to any minor any moneys that may be due to him in respect of any such shares, loans, or deposits standing in his name, and his receipt therefor shall be in all respects valid in law; but such minor shall not be eligible to hold any office in such society, though he may, subject to its by-laws, vote at any meeting of its members.

SEC. 28. It shall be lawful for any society formed under this act to charge its members, borrowers, or other persons, partnerships, or corporations doing business with it, by way of fine, for any default or delay in payment of periodical installments on shares, loan repayments on bonds and mortgages or on notes and mortgages, or of any other moneys, at the time when the same are due and payable, at a rate not exceeding ten per centum per annum on the amount so past due and unpaid, which fines, however, shall not be in addition to, but in lieu of, interest on such arrearages; and such society may charge its members, borrowers, or other persons, partnerships, or corporations doing business with it, by way of fine for any breach or non-observance of its by-laws, or any of its business rules and regulations, such reasonable sum, not exceeding five dollars for each offense, as the directors shall determine and order; and all such fines shall be due and payable to such society in one month from such default or offense.

Fines for default or delay in payment of installments or other moneys.

Fine for non-observance of by-laws and rules.

When fines due and payable.

SEC. 29. The by-laws of every society formed under this act shall set forth,—

What by-laws shall set forth.

First, When and how persons may be admitted and registered as members of such society;

Second, The terms on which shares to be known as permanent stock, and which shall not be repayable or withdrawable, are to be issued;

Third, The terms on which other shares may be issued, and by what name or names they shall be known, and how they may be withdrawn or converted into permanent stock;

Fourth, The form of certificate to be issued for the several denominations of shares, and how the same shall be registered;

Fifth, When shares may be transferred, the forms and conditions of transfer;

Sixth, Provisions for renewing lost or destroyed share certificates;

Seventh, How shares in default may be forfeited and disposed of;

Eighth, The amount of stock, not exceeding the limits prescribed by section six of this act, any one person may hold in his own name or right, and what amount may be held by persons jointly, by partnerships, and by corporations;

Ninth, The conditions on which shares may be held by persons jointly, by partnerships, and by corporations;

Tenth, When share subscriptions, loan repayments, or other moneys may be paid by members and borrowers;

Eleventh, When and how loans to, or deposits with, such society may be made;

Twelfth, The form of bond or certificate to be issued for such loans or deposits: *Provided*, That there shall be printed in red ink on the face of every such bond or certificate a notice referring the holder to sections three, four, and five of this act;

Thirteenth, The terms on which borrowers may obtain loans, and how such loans may be repaid and redeemed;

Fourteenth, Provisions for the registration, custody, and delivery of securities;

Fifteenth, Provisions for banking and checking the funds of such society ;

Sixteenth, Provisions for the custody and use of the corporate seal of such society ;

Seventeenth, How special meetings of the members of such society shall be called, and on which of the first fourteen days of February the annual meeting of such members shall be held ;

Eighteenth, What members may vote, and how they may vote, at any meeting of such society, and the regulations for the use of proxies ;

Nineteenth, How questions shall be submitted and decided at any meeting of members ;

Twentieth, Provisions for adjourning or removing any meeting of members ;

Twenty-first, The number of directors and how the directors and auditors shall be elected at the annual meetings ;

Twenty-second, How and what officers other than directors and auditors shall be appointed and removed ;

Twenty-third, What shall disqualify and remove directors and auditors from office ;

Twenty-fourth, How vacancies in the directors, auditors, or other officers shall be filled ;

Twenty-fifth, The powers and duties of directors, auditors, and other officers ;

Twenty-sixth, The manner of remunerating the directors, auditors, and other officers ;

Twenty-seventh, That such society shall not be responsible for any trust, express or implied, created by any member in reference to its stock, or by parties loaning or depositing money to or with such society, and such society shall not be bound to see to the execution of any such trust, nor shall notice of any trust, express, implied, or constructive, be entered upon its registers ;

Twenty-eighth, That any member, borrower, or other person doing business with such society may see and examine his account on the books thereof ;

Twenty-ninth, Such other rules and regulations as such society's business may require.

Altering or rescinding by-laws.

SEC. 30. Any society formed under this act may alter or rescind any by-law, or make any additional by-law, with the consent of a majority of its members (holding not less than two-thirds of its capital for the time being), present at a special meeting convened for that [such] purpose, but the notice calling such meeting shall set forth fully and clearly the proposed alteration, rescission, or addition.

Record of by-laws to be open for inspection, etc.

SEC. 31. The by-laws of any society formed under this act shall be recorded in a book to be kept for that purpose, and such book shall be open during business hours for the inspection of the members. The by-laws so recorded shall be binding on the several officers and members of such society, and on all persons claiming on account of any or either of them, or under such by-laws, all of

whom shall be deemed and taken to have full notice thereof by such record. The entry of such by-laws in the books of such society, or a true copy of the same, examined with the original, and proved to be a true copy, shall be received as evidence thereof in all courts and places.

Record, or copy thereof, evidence in court.

SEC. 32. It shall be the duty of every society formed under this act, to print and publish in pamphlet form, the whole of this act, and the whole of such society's articles of association and by-laws, and of any amendments, alterations, or additions thereto, and to supply a copy thereof to any person on demand, on payment therefor of a sum not exceeding fifty cents.

This act, with articles of association, etc., to be published and sold.

SEC. 33. Any society formed under this act, desiring for any reason to be dissolved prior to the expiration of the term of years specified in its articles of association, may, with the consent of a majority of its members (holding not less than two-thirds of its capital for the time being) given by resolution passed at a special meeting convened for such purpose, file a petition in the circuit court for the county wherein it is located, setting forth—

Petition for dissolving society.

First, The reasons for such dissolution;

What to set forth.

Second, The indebtedness of such society of all kinds, with a classification of its creditors; and

Third, The assets and effects belonging to such society.

Upon the filing of such petition, said court or circuit judge may make an order for the appearance in said cause of all persons interested in such society, and in such form as shall be proper and just. On proof of the publication of such order, and the entering of appearance of such persons as shall have appeared therein, said court may proceed and take the proofs in said cause, and hear the same, and make such order or orders thereon as shall be just and proper; and may appoint one or more trustees for the purpose of winding up such society, and prescribe the compensation to be paid them therefor; and may direct the payment of creditors in such order and manner as said court may deem proper, having reference to the provisions of the organic act, the articles of association, and the by-laws of such society, and to the petition in said cause; and said court may provide that the claims of all creditors, who shall have appeared and made proof of the same in said cause, shall be paid before such society is dissolved; and said court may make an order that such society shall be dissolved; and a copy of said order of dissolution shall be filed, by the parties representing such society, in the offices of the Secretary of State of this State, and of the clerk of the county wherein its articles of association were filed and recorded, and such order of dissolution shall be recorded by the said secretary and clerk in like manner as the articles of association of such society were recorded.

Proceedings upon filing petition.

Trustees to wind up society.

Copy of order of dissolution to be filed with Secretary of State and clerk of county.

Approved May 26, 1877.

[No. 206.]

AN ACT to authorize the incorporation of coöperative savings associations.

Who may associate.

SECTION 1. *The People of the State of Michigan enact*, That it shall and may be lawful for any number of persons not less than ten to associate themselves to form with such other persons as shall afterwards associate, a body politic and corporate, under such name as the original associates may select, for the purpose of saving and investing among themselves and accumulating sums to be paid at intervals of not exceeding one month, by its members, in proportion to their interests in the funds to be invested or accumulated.

Purposes of corporation.

Duplicate articles, what to state.

SEC. 2. The persons associating in the first instance shall make and subscribe in duplicate an instrument in writing, stating the name, location, and place of business of such corporation; the amount of each share therein, the periods for payments on the shares, and the amount of each payment thereon; the maximum number of shares; the officers it will elect, which shall include a president, secretary and treasurer, and the first officers may be named therein; the times of the annual elections; and [the] period of the corporate existence of such corporation, which shall not be less than three years nor more than ten years, and be further limited to the number of periods necessary to pay in full the shares subscribed for in the manner proposed; the minimum number of shares to be subscribed for previous to the filing of said instrument as the articles of association of said corporation, and such rules and limitations as the subscribers shall deem proper to be inserted for the security of its members.

Articles with affidavit attached to be filed and recorded in office of county clerk.

Evidence of incorporation.

Limit of business.

SEC. 3. Whenever the necessary shares shall have been subscribed, any three or more of the subscribers may annex to one of the counterparts so executed an affidavit that the subscriptions are genuine and made in good faith as they believe, and thereupon such counterpart and affidavit shall be filed and recorded in the office of the clerk of the county in which the business of the corporation is to be conducted, and upon such filing the said association shall become a body politic and corporate, and such record or a certified copy thereof shall be evidence of such incorporation.

Shares.

Number that may be owned by one person.

SEC. 4. Such corporation shall in no case borrow moneys or receive deposits, with or without interest, nor shall it execute or endorse, or buy or sell commercial paper, or in any way engage in the business of banking; it shall accept no trusts or agencies, and shall engage in no business other than that of, or connected with, the collection of the dues of members of the corporation, and of liquidating the obligations of the corporation to its members.

SEC. 5. The shares of such corporation shall be not less than twenty-five dollars nor more than one hundred and twenty-five dollars each; the total nominal amount of all such shares shall not exceed three hundred thousand dollars; no person shall become the owner of more than sufficient of said shares to amount to the nominal value of two thousand and five hundred dollars; but a

parent or guardian may, if authorized by the by-laws, sign for and become personally responsible for shares to be taken in his name as trustee for his infant child or children or ward, to such extent as the by-laws may permit, but not exceeding for each child or ward the said sum of twenty-five hundred dollars: *Provided, however,* That this provision shall not authorize such subscription by a guardian for a ward and payment out of the moneys of the ward, except authority for that purpose be given by the proper probate court.

Relative to shares for infant child or ward.

Proviso.

SEC. 6. Every holder of one or more shares in said corporation in his own right, who is of full age, shall be entitled to one vote and no more at all meetings of the corporation, and no vote by proxy shall be allowed. A quorum shall consist of such number not less than fifteen as the articles of association or by-laws shall prescribe.

Right to vote at meetings.

Quorum.

SEC. 7. At the time of organizing the corporation an initiation fee not exceeding one dollar may be charged to each member and the amount of the initiation fee may be from time to time increased to such sum as in the judgment of the members constituting a quorum at any regular meeting may be required to make the investment of a new member equal to that of an original corporator.

Initiation fee.

SEC. 8. The by-laws to be adopted by such corporation shall provide for the collection of fines by way of penalty for any failure to pay periodical dues, or to carry into effect any agreement made by the corporation with a member, or for any other infraction of the reasonable by-laws of the corporation or of its articles of association, and such fines shall be a lien upon the interest of the member upon whom they are imposed in the said corporation, which lien may be enforced and collected in such mode as the articles of association or by-laws may provide: *Provided, however,* That the amount of all unpaid fines chargeable against any member, who is not an officer of the corporation, shall at no time exceed the annual profits of such member upon the share or shares held by him, and any member, not an officer, shall be entitled at any time, by making a demand in writing, and a surrender to the corporation of all accrued profits, to be repaid all moneys paid by him on his share or shares, except initiation fees, and with such interest, if any, as the by-laws shall in such case [cases] provide. Such surrender of profits shall cancel all fines against members who are not officers, and the corporation shall repay such moneys before it shall make other liquidations of its liabilities to members. If any member shall continuously neglect for sixty days to pay the periodic dues required of or fines imposed upon him, it shall be lawful for the corporation to pay or tender to him the amount which he may have actually paid as periodic dues, without interest, or with such interest as the by-laws may in such cases provide for, and with or without the initiation fee, as the by-laws shall provide, and thereupon all the rights and liabilities of such member in the said corporation shall cease and determine.

By-laws to provide for the collection of fines.

Amount of unpaid fines chargeable against any member.

Repayment of money paid for shares.

Surrender of profits, effect of.

Neglect to pay dues for sixty days.

Disposal of
shares.

SEC. 9. Any member may dispose of any share held by him to any member holding less than the maximum number of shares, or to any other person who may be approved, in such manner and upon such conditions as the by-laws shall prescribe.

Liquidation of
shares.

SEC. 10. All arrangements for the liquidation of shares shall be made with a member of the corporation, upon security to be given, which security shall consist either of unencumbered real estate worth not less than twice the amount depending on such security, upon a bond and mortgage duly executed and acknowledged, or upon shares in said corporation, upon estimates according to the dues actually paid thereon.

Purchase of
shares at auction.

SEC. 11. It shall and may be lawful at any regular meeting of the corporation to offer of [to] purchase, with any money then or soon to be in the treasury, the [share or] shares of the member who, at an auction or bidding there to be held, shall allow the greatest discount from the par value of his share or shares, upon a purchase of the same subject to the payment by the seller of the regular periodical dues and the payment by him of such additional periodic sums not exceeding the rate of seven per cent per annum on the nominal amount of the shares, as may be prescribed by the by-laws. If at

In case no mem-
ber offers to sell.

the said auction or bidding no member present or represented shall offer to allow a discount, subject to the payment by him of such original and additional periodic dues, it shall be lawful to cast lots in such manner as the by-laws shall prescribe, to determine the share in said corporation, which shall be paid and extinguished with the said moneys, and the same shall be applied according to said lot upon the like securities being given as in other cases:

Provido.

Provided, That in case the owner of the share so designated by lot shall not give the requisite security, then that the money shall be deposited in some bank upon such interest as can be obtained, there to remain as security for such payments till by the regular application of the same to the payment of dues the share shall be fully paid: *Provided further, however*, That such portion of the same shall be paid to the owner of such share as in the judgment of the committee or officers authorized by the by-laws to decide can be safely paid and leave such payments to be made to the corporation adequately secured.

Officers may bid
at auction.

SEC. 12. Any officer not acting as auctioneer may bid at any auction authorized by this act, but if the purchase shall be struck off to any officer having anything to do with the taking of securities or if the share of such officer shall be designated by the lot mentioned in the last preceding section, the security which such officer shall offer, shall be brought before a regular meeting of the corporators, and approved before any money shall be advanced or paid thereon.

Limit of pecu-
niary benefit to
be received by
members.

SEC. 13. No member of such corporation shall receive any greater pecuniary benefit or advantage from his share therein than its payment in full, at its nominal or par value; every discount and sum of interest allowed or paid, and every fine or penalty collected shall, equally and ratably in proportion to their shares, be for the benefit

and advantage of selling and non-selling members, and every agreement which any shareholder may make in regard to payments for his share, or for additional payments in case of [a] sale thereof, shall be construed to have been fully performed whenever he shall have contributed in dues or additional dues, his ratable proportion of the sums necessary, with the profits accruing from initiation fees, discounts, dues, fines, and all other sources, after paying all expenses, to pay in full all shares in the corporation. Whenever such payments shall have been made, the said corporation shall cease and determine for all purposes, except winding up its affairs. The cancellation and discharge of a security given by a selling shareholder, to an amount equal to his share or shares, shall be deemed the payment thereof.

SEC. 14. The interests of the shareholders of such corporations shall be deemed personal estate, and shall be liable to taxation in the ward or township in which they reside, which taxation shall be in lieu of all taxes against said corporation, and the books of every corporation of this class shall be so kept as to show the interests of each shareholder, and shall be open at all reasonable times to the inspection of officers charged with the duty of making assessments for any purpose.

Interests in corporation to be personal estate.
Taxation of.

SEC. 15. No corporation authorized by this act shall become the owner of any real estate except by purchase at sales made upon foreclosure of mortgages taken by it, and in such case, the land purchased shall be sold and disposed of within two years after the purchase: *Provided, however,* That it may rent an office and room for holding the meetings of the corporators, as may be convenient or necessary.

How corporation may become owner of real estate.

Provido.

SEC. 16. Any voluntary association which, before the going into effect of this act, may have been organized for like purposes, may, by the unanimous consent and agreement in writing of its members, become a body corporate under this act, upon filing the original articles of association of its members, and such consent and agreement in writing; which consent and agreement shall state all particulars required by the second section of this act, not already stated in the original articles, and modify such articles, if necessary, to conform them to this act, with the county clerk of the county, as required by the third section hereof; and such articles, consent and agreement, having first annexed to them an affidavit made by three or more of the incorporators, that the signatures to such articles and consent and agreement are genuine, that the persons signing such consent and agreement are all the members of such association, and that such original articles, consent and agreement were executed in good faith as the affiants believe, being so duly filed and recorded on the record thereof, shall be evidence of the fact of incorporation, and all acts of such association of which a proper record shall have been kept from the date of its original organization, not inconsistent with this act, shall be deemed valid and binding as though the original organization had been under this act.

How associations heretofore organized for like purposes may incorporate under this act.

SEC. 17. Every such corporation may require, by its by-laws or Official bonds.

- otherwise, bonds from its president, treasurer, and other officers, to the amounts and to the extent which it shall judge necessary to secure the safe keeping of its moneys and the faithful performance of the duties of its officers. The duties of all officers shall be prescribed by by-laws adopted by the corporators, and all powers granted by this act, not expressly devolved thereby, or by the articles of association, or some by-law upon one or more officers of the corporation, shall be exercised by the corporators only, at meetings where the quorum required by section six shall be present.
- Duties of officers.** **Annual report.** SEC. 18. Every corporation formed under this act shall, in the month of January in each year, make a report in writing, under the oaths of two or more of its officers, showing the condition of its affairs at the close of the pending [preceding] year to the following extent:
- First*, The amount of its shares which have been subscribed for;
- Second*, The amount which has been paid upon such subscriptions in dues and penalties;
- Third*, The number of shares which have been purchased, and the gross amount of the discounts allowed upon purchases;
- Fourth*, The number of shares otherwise paid or extinguished; and
- Fifth*, The gross amount of the debts of the corporation;
- To be filed with county clerk.** Which report shall be filed in the office of the clerk of said county. The Attorney General of the State may at any time require further and detailed reports to be made to him as to the affairs of any or all such corporations to any extent which in his judgment the public interests [interest] may require, and he may personally make any investigation of their books, papers, and securities which he shall judge for the interest of the public.
- Attorney General may require detailed reports.**
- Records open to inspection of members.** SEC. 19. Every member of such corporation, and every creditor whose just claim exceeds twenty-five dollars, shall at all reasonable times be allowed to inspect the records and securities of said corporation.
- Shareholders liable for labor.** SEC. 20. The shareholders of every such corporation shall be severally and jointly liable for all labor performed for such corporation, but no suit shall be brought against them, or any of them, until after an execution shall have been returned unsatisfied against said corporation, or the same shall have been judicially declared bankrupt; and any stockholder who may have been so compelled to pay such debt may collect of any other stockholder his ratable proportion thereof.
- When suit may be brought against shareholders.**
- Winding up affairs by circuit court.** SEC. 21. The circuit court for the county in which any corporation organized under this act shall be located may, on application of the corporation, or on petition of any member or creditor aggrieved by delay in winding up its affairs, and notice to the corporation, make such order and direction as it shall deem best calculated to secure the just and speedy disposition of its unsettled or uncompleted business.
- SEC. 22. This act shall take immediate effect.
- Approved May 26, 1877.

[No. 207.]

AN ACT to authorize the formation of land companies.

SECTION 1. *The People of the State of Michigan enact*, That all corporations organized and established under the provisions of this act shall keep their principal office and records in this State, and shall be capable of suing and being sued, in any court in this State, and may have a common seal, and alter and amend the same at pleasure; may elect in such a manner as they shall determine all necessary officers; may fix their compensation and determine their duties, and make, from time to time, such by-laws, not inconsistent with the constitution and laws of this State, as a majority of the stockholders shall direct.

Duties and powers of corporations.

SEC. 2. Any number of persons not less than six, who shall, by articles of agreement in writing, associate according to the provisions of this act, under any name assumed by them for the purpose of organizing a land company, and who shall comply with the provisions of this act shall, with their successors and assigns, constitute a body politic and corporate, in fact and name, under any name assumed by them in their articles of association: *Provided*, No two companies shall assume the same name.

Body politic and corporate.

SEC. 3. Before any corporation formed under this act shall commence business, the president and directors shall cause their articles of association to be filed with the Secretary of State of this State, and with the county clerk of the county in which such corporation shall keep its principal office and conduct its business; which said articles shall be recorded at length, at the expense of said corporation, in books prepared for that purpose.

Articles of association to be filed with Secretary of State and county clerk.

To be recorded.

SEC. 4. The articles of every such association shall be signed by the persons associating in the first instance, and acknowledged before some person authorized by the laws of this State to take acknowledgments of deeds, and shall state—

Articles, how executed and what to state.

First, Distinctly and definitely the purposes [purpose] for which the same is formed;

Second, The amount of their capital stock, and the number of shares;

Third, The amount of capital stock actually paid in;

Fourth, The names of the stockholders, their respective residences, and the number of shares held by each person;

Fifth, The place in this State where their office for the transaction of business is located, and the county or counties in which their business is to be carried on;

Sixth, The term of its existence, which shall not exceed thirty years.

SEC. 5. Every such corporation shall annually, in the month of July, make a report signed by a majority of the board of directors, containing a statement of—

Annual report.

First, The amount of capital actually paid in;

Second, The amount invested in real estate;

Third, The amount of their personal estate;

Fourth, The amount of their debts and credits, as near as may be;

Fifth, The name of each stockholder, and the number of shares held by him at the date of such report; and every such report shall be verified, on oath, by the officers signing the same; which report shall be filed in the office of the Secretary of State, and with the clerk of the county where their principal office is situated, in said month of July; and if any person shall, as to any material facts, knowingly and willfully swear or affirm falsely, he shall be deemed guilty of perjury, and upon conviction thereof be punished accordingly.

To be filed with
Secretary of
State and county
clerk.

Swearing falsely
perjury.

Amount of
capital stock.

Increase of
capital stock.

Proviso.

Purposes to be
specified in
articles of asso-
ciation.

First meeting.

Directors.

Terms of office.

President, etc.

Terms of office.

Vacancy in
board.

Subscription to
capital stock,
how called in.

SEC. 6. The amount of the capital stock in every such corporation shall be fixed and limited by the stockholders in their articles of association, and shall, in no case, be less than ten thousand dollars, nor more than five hundred thousand dollars, and shall be divided into shares of twenty-five dollars each. The capital stock may be increased, and the number of shares, at any meeting of the stockholders called for that purpose: *Provided*, That the amount so increased shall not, with the existing capital, exceed five hundred thousand dollars: *And provided further*, That a majority of stock shall be represented at such meeting.

SEC. 7. The purposes for which every such corporation shall be established shall be distinctly and definitely specified in their articles of association, and it shall not be lawful for said corporation to appropriate its funds to any other purpose.

SEC. 8. When any corporation shall be formed under this act, any two of those associated may call the first meeting of the corporation at such time and place as they may appoint within this State, by giving notice thereof, by mail, postage paid, to the members associating, directed to the last known place of residence, and by publishing the same in three daily newspapers published in this State at least fifteen days before the time appointed for such meeting.

SEC. 9. The stock, property, and affairs of such corporation shall be managed by not less than six nor more than nine directors, as the articles shall determine; a majority of whom shall be residents of this State. They shall hold their offices one year, and until their successors shall be duly chosen.

SEC. 10. The directors of every such corporation shall choose one of their number president, and such other officers as their articles of association and by-laws may require, who shall hold their offices one year, or until others are chosen in their stead. The directors for the time being shall have power to fill any vacancy which may happen in their board by death, resignation or otherwise, for the remainder of the current year.

SEC. 11. The directors may call in the subscription to the capital stock of such corporation by installments, in such portion, and at such times and places, as they shall think proper, by giving notice thereof as the by-laws shall prescribe; and in case any stockholder shall neglect or refuse payment of any such installment, for the

space of sixty days after the same shall have become due and payable, and after he shall have been notified thereof, the stock of such delinquent stockholder may be sold by the directors at public auction, at the office of the secretary of the corporation, giving at least thirty days' notice in some newspaper published in the county: *Provided*, That if such stockholder shall reside in the [this] State, the stock shall be sold at the business office of said corporation, giving at least thirty days' notice thereof in some newspaper published in the county; and the proceeds of such sale shall be first applied in payment of the installment called for, and the expense on the same, and the residue shall be refunded to the owner thereof; and such sale shall entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

Sale of stock of delinquent stockholder.

SEC. 12. A majority of the directors of every such corporation, convened according to the by-laws, shall constitute a quorum for the transaction of business; and those holding a majority of the stock, at any meeting of the stockholders, shall be capable of transacting the business of the meeting; and at all meetings of such stockholders, each share shall be entitled to one vote. Stockholders may appear and vote in person or by proxy duly filed in the office of the secretary of said company.

Quorum.
Vote by stockholders.

SEC. 13. If it shall so happen that an election of directors shall not take place at the annual meeting, such corporation shall not be dissolved, but the election may be held at any time thereafter by giving thirty days' notice of the time and place of such election, in the manner provided in the eleventh section.

In case of no election of directors at annual meeting.

SEC. 14. The books of every such corporation containing the accounts shall at all reasonable times, be open for the inspection of any of the stockholders, and as often as once in each year a statement of the accounts of such corporation shall be made by the order of the directors, and laid before the stockholders.

Books open to inspection of stockholders.

SEC. 15. The stock of every such corporation shall be deemed personal property, and shall be transferred only on the books of such company in such form as the directors shall prescribe; and such corporation shall at all times have a lien upon the stock of its members, invested therein, for all the debts due from them to such corporation, which after judgments obtained thereon may be enforced by advertisement and sale, in the manner herein provided for selling delinquent stock; and all purchasers at such sale shall be entitled to the rights [right] of stockholders.

Stock deemed personal property, etc.

SEC. 16. The stockholders of all corporations organized under this act shall be individually liable for all labor performed and debts contracted for such corporation, to double the amount of stock held, which said liability may be enforced against any stockholders by action founded on this statute, at any time after an execution shall be returned and not satisfied, or at any time after an adjudication in bankruptcy against such corporation: *Provided always*, That if any stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon all the stockholders, to contribute

Stockholders individually liable for labor.

Proviso—right to call upon stockholder to contribute.

their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the stockholder or stockholders so sued.

Object of organization.

SEC. 17. The object for which companies may be organized under this act, are to obtain and disseminate information concerning lands in the State of Michigan; to bring the owners of real estate in contact with parties wishing to purchase lands; to act as agents of owners of land in their care and disposal, and to encourage immigration and settlement of lands. Such corporations shall not engage in the purchase or sale of real estate, excepting such as may be necessary for the business offices of such companies, which real estate so purchased and owned shall not exceed in value the sum of fifty thousand dollars by any one company, nor shall the indebtedness of any such corporation at any time exceed the amount of capital stock paid in.

Limit of real estate corporation may own.

Indebtedness not to exceed capital stock.

Service of legal process.

SEC. 18. Service of any legal process against any corporation formed under this act, may be made on the president, secretary or agent, or if neither of them can be found in the county, in which by their articles of association they are to do their business, then such service may be made by posting a true copy thereof in some conspicuous place at the business office of the company in said county.

Penalty for willful neglect to comply with sections three and five of this act.

SEC. 19. If the directors of any such corporation willfully neglect or refuse to comply with the provisions and to perform the duties required of them by sections three and five of this act, they shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine not exceeding one thousand dollars each, or by imprisonment in the county jail not exceeding one year; and such directors shall also be subject to a penalty of twenty-five dollars per day for each day after the first day of August, in each year, that they willfully neglect or refuse to make the reports required by law.

Liability in case of violation of act or refusal to pay over money.

SEC. 20. If any officer or stockholder of any corporation established under this act shall willfully violate any of its provisions, or shall neglect or refuse to pay over any money received or collected for sale of land, the directors, officers, or stockholders ordering, permitting, or assenting to such violation or neglect, shall be jointly and severally liable, in an action founded on this statute, for all debts so contracted.

Approved May 26, 1877.

JOINT RESOLUTIONS.

[No. 1.]

JOINT RESOLUTION asking Congress for an appropriation for the erection of a lighthouse and steam fog signal on Stannard's Rock, Lake Superior.

WHEREAS, the Lighthouse Board have for several years deemed it necessary to the interests of commerce that a lighthouse and fog signal should be erected on Stannard's Rock, in Lake Superior;

AND WHEREAS, A bill making an appropriation therefor has been introduced in the House of Representatives, but has not yet been acted on;

AND WHEREAS, The great and increasing commerce of our lakes (exceeding our ocean tonnage) imperatively demands the prosecution and completion of the work named, at an early day; therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use all honorable means to procure the necessary appropriation for the erection of a lighthouse and fog signal on Stannard's Rock, Lake Superior, under the superintendence of the Lighthouse Board.

Resolved, That His Excellency, the Governor, be requested to transmit copies of the foregoing preamble and resolution to the Governors and Legislatures of Minnesota, Wisconsin, Illinois, Ohio, Pennsylvania, and New York, requesting their coöperation, and to each of our Senators and Representatives in Congress.

Approved February 13, 1877.

[No. 2.]

JOINT RESOLUTION asking Congress for an appropriation to construct a light-house on the point of Little Traverse harbor, in the county of Emmet, Michigan.

WHEREAS, The rapidly increasing commerce of Little Traverse Bay and the waters of that vicinity of Lake Michigan demands, the immediate improvement of the harbor of Little Traverse, by the erection of a suitable light house at its entrance; therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use their best endeavors to procure the necessary appropriation for the construction of a suitable light house at the entrance of Little Traverse Harbor, Emmet county, Michigan.

Resolved, That his Excellency, the Governor, be requested to transmit copies of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

Approved February 26, 1877.

[No. 3.]

JOINT RESOLUTION asking Congress to order a survey of Portage Lake, in Manistee county, with a view to constructing a harbor of refuge.

WHEREAS, There is no available harbor for the commerce of the lakes upon the east shore of Lake Michigan, between the ports of Manistee and Frankfort;

AND WHEREAS, By reason of the conformation of the coast line between said ports, navigation along said coast is exceedingly hazardous, causing considerable loss of life and property; also causing vessels and other craft to make long detours in the lake for the purpose of avoiding said coast;

AND WHEREAS, In the county of Manistee, between said ports of Manistee and Frankfort, and located at the most favorable point for the construction of a harbor of refuge, is situated Portage Lake, which is of great depth and ample room, completely land-locked, and of such a character that it may be readily made an unsurpassed harbor of refuge, available for the largest vessels of the lakes, at comparatively slight expense;

AND WHEREAS, Although no appropriation has ever been made for the improvement of this harbor, the shipping will compare favorably with many harbors where thousands of dollars have been expended;

Therefore, in view of the great benefits to commerce to result from the establishment of such harbor of refuge,

Resolved, That our Senators and Representatives in Congress be requested to use their best endeavors to have said Portage Lake examined and surveyed with a view to ascertain the availability of the location and the feasibility of the construction of such harbor of refuge.

Resolved, That his Excellency the Governor be and is hereby requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

Approved February 27, 1877.

[No. 4.]

JOINT RESOLUTION for the relief of Schuyler W. Ambler, County Treasurer of Gratiot county.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Auditor General is hereby authorized to pay to Schuyler W. Ambler,

county treasurer of Gratiot county, his fees and expenses pertaining to "tax sales" in Gratiot for the year eighteen hundred and seventy-five, the same as though his returns had been made "on or before the fifteenth day of November" of that year.

The foregoing joint resolution passed the Senate February seven, eighteen hundred and seventy-seven, two-thirds of all the Senators elect having voted therefor.

The foregoing joint resolution passed the House of Representatives March one, eighteen hundred and seventy-seven, two-thirds of all the Representatives elect having voted therefor.

Approved March 2, 1877.

[No. 5.]

JOINT RESOLUTION amending joint resolution number thirty-seven of session laws of eighteen hundred and seventy-five, authorizing the Board of State Auditors to audit and pay the claims of the non-commissioned officers and musicians of fifth, sixth, and seventh regiments of Michigan volunteer infantry, for services rendered in the month of August, eighteen hundred and sixty-one.

Be it resolved by the Senate and House of Representatives of the State of Michigan, That joint resolution number (37), thirty-seven of the session laws of the year of our Lord one thousand eight hundred and seventy-five be and the same is hereby amended so as to read as follows, to wit: That the Board of State Auditors is hereby authorized to audit the claims of the non-commissioned officers and musicians of the fifth, sixth, and seventh regiments of Michigan volunteer infantry for services rendered the State in the month of August, eighteen hundred and sixty-one. That when so audited, the Auditor General shall draw his warrant upon the State Treasurer, payable out of the military fund, for the amount to which said board may find the said soldiers respectively are entitled under the orders and regulations in force at that time.

Be it further resolved, That the Adjutant General be required to transmit to the Auditor General copies of the records of his office bearing upon these cases, and that it shall be the duty of the Quartermaster General to present to the general government the claims of the State for all outlays under this resolution.

Approved March 9, 1877.

[No. 6.]

JOINT RESOLUTION authorizing the Commissioner of the State Land Office to sell certain State school lands, in Osceola county, to James Sims, at the original price and upon the original terms provided by law for the sale of the same.

WHEREAS, The Commissioner of the State Land Office did on the twenty-seventh day of October, eighteen hundred and sixty-nine, by certificate number ten thousand and sixty-five, sell to James Sims, of Osceola county, certain primary school lands, particularly described as lot two, and the southeast quar-

ter of the southwest quarter of section sixteen, in township number seventeen north, of range number eight west, in said county of Osceola;

AND WHEREAS, The said James Sims did at that time pay one-fourth of the purchase money for said lands, and did settle upon the same and make valuable improvements thereon, and has continued to reside thereon until the present time;

AND WHEREAS, By the failure to pay the interest, for the year eighteen hundred and seventy-three, upon that portion of the purchase price, at that time remaining unpaid, through no fault of said Sims, said lands were legally forfeited to the State, and were by the Commissioner of the Land Office withdrawn from market in order to protect the equitable rights of said Sims;

AND WHEREAS, The statutes and rules and practice of the State Land Office would compel said James Sims, not only to repurchase said lands at the original price and upon the original terms, but also to pay for the various valuable improvements upon said land which he has himself made; therefore

Resolved, by the Senate and House of Representatives, That the Commissioner of the State Land Office be and he is hereby authorized and required to hold the above described lands subject to purchase by said James Sims, at any time before the first day of January, eighteen hundred and seventy-eight, at the same price and upon the same terms as those named in said original certificate of sale number ten thousand and sixty-five.

The foregoing joint resolution passed the Senate February six, eighteen hundred and seventy-seven, two-thirds of all the Senators elect having voted therefor.

The foregoing joint resolution passed the House of Representatives February twenty-eight, eighteen hundred and seventy-seven, two-thirds of all the Representatives elect having voted therefor.

Approved March 9, 1877.

[No. 7.]

JOINT RESOLUTION to give immediate effect to a bill heretofore passed for purchase of books for State Library.

WHEREAS, Under the act appropriating funds for the State library, passed at the current session of the Legislature, no moneys can be drawn until ninety days after the close of the session—

AND WHEREAS, It is important for the interests of the library that a portion of the funds appropriated should be available before that time,

Resolved, by the Senate and House of Representatives of the State of Michigan, That the act entitled "An act to provide for the purchase of books for the State Library," approved February tenth, eighteen hundred and seventy-seven, be and the same is hereby ordered to take immediate effect.

This resolution has received a two-thirds majority vote, on its passage, and is ordered to take immediate effect.

Approved March 10, 1877.

[No. 8.]

JOINT RESOLUTION authorizing the trustees in behalf of the State to convey to John B. Lauckton, of Burns, Shiawassee county, Michigan, by quit-claim deed, the west half of southeast quarter section twenty-four, town five north, of range three east, Shiawassee county.

WHEREAS, John B. Lauckton, of Burns, Shiawassee county, Michigan, claims to own a certain parcel of land situated in the township of Antrim, Shiawassee county, Michigan, and described as follows, viz.: "The west half of southeast quarter of section twenty-four, town five north, of range three east, containing eighty acres more or less," which claim is based on certain deeds from the State, that is to say: deeds for the years of our Lord one thousand eight hundred and forty-nine, one thousand eight hundred and fifty, one thousand eight hundred and fifty-one, one thousand eight hundred and fifty-two, one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight, and on two certificates for deeds for the same for the years of our Lord one thousand eight hundred and sixty-seven and one thousand eight hundred and sixty-eight;

AND WHEREAS, No other individual claim appears by the record on said land, and the taxes on the same for all the years not above mentioned, from the year of our Lord one thousand eight hundred and forty-nine to one thousand eight hundred and seventy-five inclusive, having been paid;

AND WHEREAS, In the year of our Lord one thousand eight hundred and seventy-one, one Hazelton conveyed to the State by quit-claim deed the above described land, in consequence of which the deeds on the two above named certificates have been by the Auditor General withheld, thereby raising a question of title;

AND WHEREAS, It being desirable that such question be properly adjusted; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General, State Treasurer, and Secretary of State, trustees in behalf of the State, be and they are hereby authorized to convey by quit-claim deed, to the said John B. Lauckton, all the right, title, and interest the State may have in said land, for such compensation as to them may seem just.

This resolution shall take immediate effect.

Approved March 26, 1877.

[No. 9.]

JOINT RESOLUTION asking Congress for an appropriation in money for the improvement of the harbor at Holland, in the county of Ottawa, and State of Michigan.

WHEREAS, Congress has heretofore made appropriations for [the] improvement of the harbor at Holland in the county of Ottawa, Michigan, which appropriations have aided materially in making said Holland an important shipping port on Lake Michigan;

AND WHEREAS, The proper officers of the United States government, having charge of the lake harbor improvements, have heretofore officially reported that a harbor, second to none, can be made at Holland by the expenditure of a

comparatively moderate sum, and that thereby important commercial interests would be developed;

AND WHEREAS, By reason of the improvements of said harbor at Holland, and the commercial interests promoted thereby, the said Holland is now an important shipping port, having a custom house, and is the outlet for the products of an enterprising and growing section of the country, the prosperity of which is largely dependent upon and promoted by shipping facilities;

AND WHEREAS, said harbor at Holland is greatly in need of further appropriations to preserve the government work already there and to further improve said harbor;

AND WHEREAS, Congress has heretofore made, and continues to make, liberal appropriations of money for the improvement of harbors and rivers, in different parts of the Union, for the advancement of the general prosperity of the country; therefore,

Resolved by the Senate and House of Representatives, That our Senators and Representatives in Congress be requested to use their best endeavors to obtain an appropriation of money for the further improvement of said harbor of [at] Holland; that said moneys be expended under the immediate direction of an officer of the United States government, detailed from the proper department for that purpose, if not contrary to the usual practice in such cases.

Resolved, That the Governor be and he is hereby requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

Approved March 30, 1877.

[No. 10.]

JOINT RESOLUTION asking Congress for an appropriation for the improvement of the harbor at Saugatuck, in the county of Allegan and State of Michigan.

WHEREAS, It has been admitted by the proper authorities that the harbor at Saugatuck can be made, by the expenditure of a comparatively moderate sum, one of the best in the State;

AND WHEREAS, Said harbor at Saugatuck is greatly in need of further appropriations to preserve the government work already accomplished there, as well as to further improve said harbor; therefore

Resolved by the Senate and House of Representatives, That our Senators and Representatives in Congress be requested to use their best endeavors to secure such appropriation as will be ample to effect the necessary repairs and improvements on said harbor.

Resolved, That the Governor be and is hereby requested to transmit copies of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

Approved March 30, 1877.

[No. 11.]

JOINT RESOLUTION asking Congress for an appropriation for the making of a harbor of refuge at Grand Marais [Marias] Harbor, on Lake Superior.

WHEREAS, It has been deemed necessary to the interests [interest] of commerce, that a harbor of refuge be made at Grand Marais [Marias] Harbor on Lake Superior;

WHEREAS, The great and increasing commerce of our lakes imperatively demand the prosecution and completion of the work named at an early day;

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use all honorable means to procure the necessary appropriation for the making of a harbor of refuge at Grand Marais [Marias] Harbor, on Lake Superior, under the superintendence of the United States Engineers.

Resolved, That His Excellency, the Governor, be requested to transmit copies of this preamble and resolution to the Governors and Legislatures of Minnesota, Wisconsin, Illinois, Ohio, Pennsylvania, and New York, requesting their coöperation, and to each of our Senators and Representatives in Congress. This resolution shall take immediate effect.

Approved March 30, 1877.

[No. 12.]

JOINT RESOLUTION asking Congress for an appropriation in money for the improvement of the harbor at New Buffalo, in the county of Berrien and State of Michigan.

WHEREAS, Congress has heretofore made appropriations for the improvement of the harbor at New Buffalo, in the county of Berrien, Michigan;

AND WHEREAS, The proper officers of the United States government, having charge of the lake harbor improvements, have heretofore officially reported that a commodious harbor can be made at said New Buffalo, by the expenditure of a comparatively moderate sum, and that thereby important commercial interests would be developed;

AND WHEREAS, Congress has heretofore made, and continues to make, liberal appropriations of money for the improvement of harbors and rivers in different parts of the union, for the advancement of the general prosperity of the country;

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use their best endeavors to obtain an appropriation of money for the improvement of said harbor at New Buffalo; that said moneys be expended for the specific purposes aforesaid, and under the immediate direction of an officer of the United States government, detailed from the proper department for that purpose, if not contrary to the usual practice in such cases.

Resolved, That the Governor be and is hereby requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and representatives in Congress.

This resolution shall take immediate effect.

Approved March 30, 1877.

[No. 13.]

JOINT RESOLUTION to provide for a revision of the system of keeping State accounts.

WHEREAS, It appears from the reports of the Auditor General for the years eighteen hundred and seventy-four, eighteen hundred and seventy-five, and eighteen hundred and seventy-six that the accounts of the State, although kept in form and in detail in accordance with the plan adopted in eighteen hundred and thirty-six, do not show the true condition of the various funds; therefore

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Governor, State Treasurer, and Auditor General be and they are hereby directed to examine into the effect of such changes in the system and manner of keeping the accounts of the State, in the offices of the Auditor General and State Treasurer, as have been proposed by the Auditor General in his report to this Legislature, and to determine as to the advisability of such changes, or any of them.

Resolved, That the officers above designated shall certify, over their several signatures, their determination of the matters herein referred to them; and if it shall appear from such certificate that any or all of the proposed changes are deemed advisable, the Auditor General and the State Treasurer shall cause the system and manner of keeping the accounts of the State in their respective offices to conform to such determination.

Resolved, That the statement of the fiscal operations of the State for the year closing September thirty, eighteen hundred and seventy-seven, shall be made upon the basis determined upon in the manner herein provided.

Approved March 30, 1877.

[No. 14.]

JOINT RESOLUTION for the relief of John Y. Hicks, of the township of Pennfield, Calhoun county, Michigan.

WHEREAS, John Y. Hicks, of Pennfield, in the county of Calhoun, is now the holder of primary school land certificate number seven hundred and one, issued by John D. Pierce, Superintendent of Public Instruction, in the year of our Lord one thousand eight hundred and thirty-nine, to William Shannon, of said county, for the purchase of the following described land, that is to say: The southwest quarter of northeast quarter of section sixteen, in township number one south, of range seven west, containing forty acres more or less;

AND WHEREAS, The said John Y. Hicks derives his right and title to said certificate under, through, and by virtue of an assignment of said certificate by the said William Shannon, and others;

AND WHEREAS, Said assignments are informal, and not such as to authorize the conveyance of said land by the State of Michigan; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor be and is hereby authorized, when satisfied by evidence that said John Y. Hicks is the equitable owner of said lands, to sign and cause to be issued to the said John Y. Hicks a patent for the land described in said certificate number seven hundred and one, whenever the same shall be presented to

him, with the certificate of the Commissioner of the State Land Office attached thereto, certifying that the principal and interest, as well as all taxes, interest, and charges due upon said land, has been paid.

This resolution shall take immediate effect.

Approved April 5, 1877.

[No. 15.]

JOINT RESOLUTION asking Congress for an appropriation to construct a light-house at the mouth of Thunder Bay River, in the county of Alpena.

WHEREAS, The rapidly increasing shipping and commerce of Thunder Bay and the great lakes is becoming a matter of great importance to the safety of life and property, and demand the immediate improvement of the harbor at the mouth of Thunder Bay River, by the erection of a suitable light-house at the entrance of said river; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use their best endeavors to procure the necessary appropriation for the construction of a suitable light-house at the mouth of Thunder Bay River, Alpena county, Michigan.

Resolved, That his Excellency the Governor be requested to transmit copies of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

Approved April 12, 1877.

[No. 16.]

JOINT RESOLUTION asking Congress for an appropriation to construct a harbor at Menominee, which harbor is upon the dividing line between the States of Michigan and Wisconsin.

WHEREAS, Congress has heretofore made appropriations for the improvement of the harbor at Menominee, and under the direction of officers of the United States one of the best harbors on the lakes has been there established;

AND WHEREAS, Said harbor is the only harbor on the west shore of Green Bay, and the commerce of the port of Menominee is very large, and is annually increasing, and is now an important shipping port, having a custom house, and is the outlet for the products of an enterprising and growing section of the country, the prosperity of which is largely dependent upon and promoted by shipping facilities;

AND WHEREAS, Said harbor at Menominee is greatly in need of further appropriations to preserve the government work already there, and to dredge out and to further improve said harbor;

AND WHEREAS, Congress has heretofore made, and continues to make liberal appropriations of money for the improvement of harbors and rivers, in different parts of the Union, for the advancement of the general prosperity of the country; therefore

Resolved by the Senate and House of Representatives, That our Senators and

Representatives in Congress be requested to use their best endeavors to obtain an appropriation of money for the further improvement of said harbor at Menominee; that said moneys be expended under the immediate direction of an officer of the United States government, detailed from the proper department for that purpose, if not contrary to the usual practice in such cases.

Resolved, That the Governor be, and he is hereby requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

Approved April 14, 1877.

[No. 17.]

JOINT RESOLUTION to provide for the collection of any specific tax due this State from the Lake Shore and Michigan Southern Railway Company.

WHEREAS, There is claimed by ex-Governor Bagley that a large amount of specific tax, justly due this State, has been for years withheld by the Lake Shore and Michigan Southern Railway Company, and no efficient measures have been taken since eighteen hundred and sixty-five to ascertain whether such claim is well-founded in law and in fact; therefore,

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Governor, Attorney General, and Auditor General, be and they are hereby instructed to cause examination of this claim to be made as soon as practicable; and they are hereby authorized to employ such able counsel as they may deem necessary to aid them in making such examination thorough and exhaustive; and if such examination should show that said claim has any foundation in law, they are hereby instructed to take such proceedings as may be necessary to make a test case, and vigorously prosecute the same until a decision is obtained which will fully and finally settle all the rights of the State involved in said claim.

This resolution shall take immediate effect.

Approved April 14, 1877.

[No. 18.]

JOINT RESOLUTION authorizing and directing the commissioner of the State Land Office to issue certificate of purchase of certain State swamp lands to John Heaphy, of Cheboygan county, upon the payment of one dollar and twenty-five cents per acre.

WHEREAS, John Heaphy, of Cheboygan county, in the year eighteen hundred and sixty-one, and for many years thereafter, was employed as a teacher of the Indians at Burt village in said county;

AND WHEREAS, Said Heaphy being desirous of making a home for his family and himself secured from the Indian chief Kishicoo, then virtually having control of said lands, the Indian title to the northeast quarter of the southwest

quarter, and lot number three, of section twenty, town thirty-six north, range three west, containing fifty-eight and eighty one-hundredth acres, and relying upon his ability to purchase the title of said lands of the government at one dollar and twenty-five cents per acre when the government should put the said lands in market, said Heaphy settled upon and improved said lands by clearing and cultivating the same, having at this time about twenty acres under improvement;

AND WHEREAS, The government never put said lands on the market for sale, but instead transferred them to the State as State swamp lands, and they never came into market, so that said Heaphy could purchase them until the fifteenth day of November, eighteen hundred and seventy-six when, under the provisions of a State law governing the sale of State swamp lands, they were held at eight dollars per acre;

AND WHEREAS, Without the improvements made upon said lands by said Heaphy they would not be worth more than the minimum price of government lands, and it would be a manifest injustice to said Heaphy to compel him to pay the State the increased value of the lands caused by improvements he himself has made upon said lands;

AND WHEREAS, Said Heaphy settled upon said lands and improved the same in good faith, as above set forth; therefore be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and he is hereby authorized to issue certificate of purchase to John Heaphy, his heirs or assigns, for the northeast quarter of the southwest quarter, and lot three of section twenty, town thirty-six north, of range three west, containing fifty-eight and eighty one-hundredths acres, upon the payment of one dollar and twenty-five cents per acre.

This resolution shall take immediate effect.

Approved April 17, 1877.

[No. 19.]

JOINT RESOLUTION requesting the Commissioner of Insurance to confer with Commissioners of Insurance in other States, and prepare and present to the next Legislature in January, eighteen hundred and seventy-nine, a form of law to govern life insurance companies doing business in this State.

WHEREAS, The people of the State of Michigan are largely interested in the matter of life insurance, and the contracts in the majority of cases not terminating until the death of the insured, the interests of the people demand a simpler form of contract than is now attainable, one in which their rights in case of their inability to meet their future payments should be clearly and distinctly stated; also, in cases of death by suicide, the use of ardent spirits or narcotics; also, the question of the absolute incontestability of policies after they shall have been in force for a certain number of years;

AND WHEREAS, To successfully inaugurate these and other reforms demanded, the coöperation of other States is desirable, for the reason that the greater por-

tion of the insurance on the lives of residents of this State is in companies of other States;

AND WHEREAS, The Commissioners of Insurance of the several States hold annual conventions for the purpose of discussing matters touching the improvement of the statutes relating to insurance and other subjects pertaining to State supervision, and that body having now under advisement a bill to improve the statutes in respect to life insurance, with a view to secure its passage, when perfected, by the Legislatures of the several States, thus securing desired equality [equity] and uniformity; now, therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of Insurance of this State be requested to confer with the Commissioners of other States upon the subject [subjects] alluded to in the preamble of this resolution, touching surrender values, and the forfeiture of policies, and report, in January, eighteen hundred and seventy-nine, to the Legislature of this State a form of law governing life insurance companies doing business herein for its consideration.

Approved April 21, 1877.

[No. 20.]

JOINT RESOLUTION authorizing the Commissioner of the State Land Office to issue a certificate of sale of certain primary school land to George Dayton.

WHEREAS, It appears that the southeast quarter of the northwest quarter of section sixteen, in township nine north, of range nine west, is now owned by the State of Michigan by reason of forfeiture for non-payment of interest;

AND WHEREAS, The State has added to the purchasing price of said land the value of all improvements, amounting to the sum of three hundred and fifty dollars;

AND WHEREAS, It appears by the petition of George Dayton he claims that he has an equitable interest in said land, and that he furnished the money to improve said land;

AND WHEREAS, It further appears that said George Dayton is the owner of all the interest in the certificate issued by said State for said land, and that he was prevented from redeeming said land, or from paying the State the amount due upon said certificate by misrepresentation and fraud on the part of his grantor; therefore, be it

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and he is hereby authorized to execute and deliver to George Dayton, his heirs, or assigns, a certificate of purchase of the southeast quarter of the northwest quarter of section sixteen, township nine north, of range nine west, providing therein for the payment to the State thereon of the minimum price of four dollars per acre with interest, together with any unpaid taxes.

Approved April 24, 1877.

[No. 21.]

JOINT RESOLUTION for the dating of pensions allowed by the United States Government.

Resolved by the House of Representatives of the State of Michigan (the Senate concurring), That our Senators and Representatives in Congress be respectfully requested to use their influence for the passage of House bill number two thousand eight hundred and three, and in accordance with Senate bill number two thousand four hundred and fifty-four, both favorably reported from the respective committees of pensions in Congress: Allowing pensions to date from discharge in case of the soldier, and from the death of the husband in the case of widows.

Resolved, That his Excellency the Governor be requested to transmit copies of the foregoing resolution to each of our Senators in Congress,

Approved April 25, 1877.

[No. 22.]

JOINT RESOLUTION authorizing the Board of State Auditors to make an equitable settlement with Thomas Robinson.

WHEREAS, On the fourth day of September, in the year of our Lord one thousand eight hundred and sixty-eight, Thomas Robinson had a balance due him in the State Land Office on a certain order for State swamp land scrip of thirty-seven dollars and eighty-six cents; therefore

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized and instructed to make a just and equitable settlement with the said Thomas Robinson, and upon said settlement to grant unto the said Robinson his proper credit.

This resolution shall take immediate effect.

Approved April 25, 1877.

[No. 23.]

JOINT RESOLUTION authorizing the Board of State Auditors to dispose of the surplus copies of the session laws, journals and documents of the State.

WHEREAS, A large number of session laws, journals and documents belonging to the State have accumulated since the organization of the State, and cannot be disposed of under existing laws; therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized, in their discretion, to dispose of all such session laws, journals and documents,

now on hand, as in their judgment cannot be sold or disposed of under existing laws, and that they pay the money received therefor into the State treasury.

This resolution shall take immediate effect.

Approved April 25, 1877.

[No. 24.]

JOINT RESOLUTION authorizing the Auditor General to correct certain certificates of tax sales issued to Merritt H. Waterman, and the records thereof, and of such sales.

WHEREAS, On the fifth day of October, in the year of our Lord one thousand eight hundred and seventy-four, at a public sale of lands situated in the county of Wayne and State of Michigan, made under the direction of the Auditor General, and held in the city of Detroit, for delinquent State and county taxes for the year eighteen hundred and seventy-three, Merritt H. Waterbury, of Greenbush, in the State of New York, became and was the purchaser of the west half of the southeast quarter and the east half of the southwest quarter of section ten (10), township four (4), south of range nine (9) east, in said county;

AND WHEREAS, The certificates of said purchases which were afterwards delivered to said Merritt H. Waterbury, viz.: certificates numbered sixty-eight and sixty-nine, the name Merritt H. Waterman was erroneously inserted as purchaser instead of the name Merritt H. Waterbury, and the said name, Merritt H. Waterman, appears upon the books in the office of the county treasurer of the county of Wayne, and upon the records in the office of the Auditor General as the purchaser at said sale;

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General of the State of Michigan is hereby directed, upon presentation of said certificates numbered as aforesaid, to cause the name of Merritt H. Waterbury to be inserted therein, instead and in place of the name Merritt H. Waterman, wherever the same appears in said certificates, and to cause the records of such certificates and sales in his office to be corrected so as to correspond with said certificates after the same shall have been changed as aforesaid, and to notify the treasurer of the county of Wayne of such changes and corrections.

This resolution shall take immediate effect.

Approved April 25, 1877.

[No. 25.]

JOINT RESOLUTION extending the time for the completion of the Marquette, Houghton, and Ontonagon Railroad.

Resolved by the Senate and House of Representatives of the State of Michigan, That the time limited for the completion of the Marquette, Houghton, and

Ontonagon Railroad be and the same is hereby extended to January one, eighteen hundred and eighty: *Provided*, That the Board of Control of Railroads may, any time after July one, eighteen hundred and seventy-eight, direct the immediate commencement of work at the village of Ontonagon, continuing southerly, striking the mineral range at or near the village of Rockland.

This resolution passed the House and Senate by a two-thirds vote, and ordered to take immediate effect.

Approved April 25, 1877.

[No. 26.]

JOINT RESOLUTION confirming the sale of certain primary school lands, and authorizing a patent to be issued for the same to Henry Moses.

WHEREAS, It appears that on the twenty-third day of May, in the year of our Lord one thousand eight hundred and fifty-five, certificate number six thousand and fifty-two, was issued to David Cahoon, for primary school land and that the whole amount of principal and interest and taxes, interest and charges on said certificate has been paid according to law;

AND WHEREAS, Said certificate has been several times assigned, and one of said assignments being irregular; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the several assignments and sales of said certificate be, and the same are hereby confirmed, and that the Governor of the State of Michigan, or other proper officer, be, and he is hereby authorized and empowered to issue a patent in due form, to said Henry Moses, for the land mentioned in said certificate, conveying all the interest of the State on the receipt of all payments and claims against said land.

This resolution shall take immediate effect.

Approved April 27, 1877.

[No. 27.]

JOINT RESOLUTION for extension of time for applications for pensions, and for dating of pensions from muster-out or discharge.

Resolved by the House of Representatives (the Senate concurring), That our Senators and Representatives in Congress be respectfully requested to use their influence for the passage of a bill extending the time for ex-officers and soldiers of volunteers to apply for pension until January, eighteen hundred and eighty, and paying such pensions from the date of muster-out or discharge.

Resolved, That his Excellency, the Governor, be requested to transmit copies of [the] foregoing resolution to each of our Senators and Representatives in Congress.

Approved April 28, 1877.

[No. 28.]

JOINT RESOLUTION authorizing the issuing of a patent to Thomas Burns, of the county of St. Clair, upon primary school land certificate number six thousand three hundred and fifty-three.

WHEREAS, Thomas Burns, of the county of St. Clair, in the State of Michigan, claims that he is the rightful holder and owner of primary school land certificate of the State of Michigan number six thousand three hundred and fifty-three; that the whole amount of the principal and interest therein specified has been paid, and that said Thomas Burns has been in possession of the land described in said certificate, in good faith believing himself to be the owner thereof, and making expensive and valuable improvements thereon, for upwards of sixteen years;

AND WHEREAS, One of the instruments of assignment of said certificate, under which said Burns holds said certificate, appears to have been a conditional assignment thereof;

AND WHEREAS, It is represented that the assignor of said assignment has been dead for upwards of sixteen years; that the condition of said assignment has never been performed by said assignor, or by any one for him, and that no application has ever been made for the appointment of an administrator of the estate of said assignor, in the county in which he resided previous to the time of his decease;

AND WHEREAS, The said Thomas Burns claims to be equitably entitled to have a patent issued to him on said certificate, yet that none can issue to him on account of the condition that appears upon the face of said assignment of said certificate;

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor of this State be and is hereby authorized to sign and to cause to be issued to Thomas Burns a patent for the lands described in said certificate whenever the same shall be presented to him, with the certificate of the Commissioner of the State Land Office that the principal and interest, and all taxes and charges levied upon said lands, have been paid.

This resolution shall take immediate effect.

Approved May 1, 1877.

[No. 29.]

JOINT RESOLUTION instructing the Board of State Auditors to make a settlement with Robert Winterbottom.

WHEREAS, Robert Wallace, on the third day of November, eighteen hundred and seventy-one, purchased of the State of Michigan lot number three of section twelve, town eighteen north, of range fourteen east, and received deed number twenty-four thousand seven hundred and seventy-nine for fifty-five and sixty one-hundredths acres of land, and paid therefor one dollar and twenty-five cents per acre, which purchase price amounted to eighty-four dollars and fifty cents;

AND WHEREAS, Robert Wallace, on the twenty-eighth day of December, eighteen hundred and seventy-four, conveyed the same by deed to Robert Winterbottom, paying therefor the sum of four hundred and twenty-five dollars;

AND WHEREAS, Robert Winterbottom, in the month of January, eighteen hundred and seventy-five, caused an accurate survey to be made of the above described premises, and found that said lot only contained sixteen acres of land; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized and instructed to make a just and equitable settlement with Robert Winterbottom for all lawful, equitable claims against the State growing out of the discrepancy between the number of acres named in the deed to Wallace and the actual number of acres purchased in said lot three of section twelve, in township eighteen north, of range fourteen east.

This resolution shall take immediate effect.

Approved May 9, 1877.

[No. 30.]

JOINT RESOLUTION to amend section twelve of Article VI., of the constitution of the State of Michigan, relative to appointment of clerk of the Supreme Court.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of this State be and the same is hereby proposed, to stand as section twelve of Article six:

SECTION 12. The justices of the Supreme Court shall appoint the clerk of said court; and the clerk of each county, organized for judicial purposes, shall be clerk of the circuit court of such county.

Be it further resolved, That said constitutional amendment shall be submitted to the people of this State at the annual election, to be held on the first Monday in April, in the year eighteen hundred and seventy-eight; and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State in the same manner that he is now required to do in case of an election of Governor or Lieutenant Governor, and the inspectors of election in the several townships and cities in this State shall prepare a suitable box for the reception of ballots cast for or against said amendment. Each person voting for said amendment shall have written or printed, or partly written and partly printed, on his ballot, the words, "Amendment relative to appointment of clerk of the Supreme Court,—Yes;" and each person voting against such amendment the words "Amendment relative to appointment of clerk of the Supreme Court,—No." The ballots shall in all respects be canvassed, and returns be made as in elections of Governor and Lieutenant Governor.

The foregoing joint resolution passed the Senate and House by a vote of two-thirds of all the members elect.

Approved May 12, 1877.

[No. 31.]

JOINT RESOLUTION authorizing the appropriation of money to liquidate the indebtedness and pay the salaries of the employes of the Michigan State Centennial Board of Managers.

WHEREAS, The Michigan State Centennial Board of Managers found it necessary to expend more money than was appropriated by act one hundred and thirty-nine, laws of eighteen hundred and seventy-five, to properly represent and exhibit the products and resources of Michigan, and maintain the credit of the State, at the International Centennial Exhibition at Philadelphia; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and are hereby authorized to audit and allow to the Michigan State Centennial Board of Managers a sum not exceeding eight thousand six hundred dollars, to liquidate the indebtedness of said Board of Managers; and the Auditor General is hereby authorized to draw his warrant on the State Treasurer, payable out of the general fund, for the amount so audited and allowed, on the presentation of the proper vouchers, certified by the Board of State Auditors, and on the receipt of said Board of Managers acknowledging the payment of the same to be in full of all demands of said board against the State on account of the Centennial Exposition.

This joint resolution shall take immediate effect.

The foregoing joint resolution passed the Senate and House by a vote of two-thirds of all the members elect.

Approved May 12, 1877.

[No. 32.]

JOINT RESOLUTION authorizing the Commissioner of the Land Office to issue a certificate or a deed of certain lands in Kalamazoo county to Andrew Gordon.

WHEREAS, It is represented that Andrew Gordon, in the county of Kalamazoo, is the owner of all of the rights conferred by purchase, July thirty, eighteen hundred and fifty, upon George P. Danforth, primary school certificate number three thousand and eight, issued by Cyrus Hewitt, Commissioner of the State Land Office, the duplicate bearing date (the original issued some years before) December twenty-two, eighteen hundred and sixty-six.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office, or the proper officer, be and he is hereby authorized to execute and deliver to said Andrew Gordon, or those claiming under him, either a new or a duplicate certificate on payment of the usual fees therefor, or on payment to the State of the unpaid amount on it and the usual legal fees and charges, a deed of the land covered by said certificate, number three thousand and eight, and to be either in lieu or satisfaction of said certificate, and that all of the papers and affidavits accompanying the petition of said Andrew Gordon, which prays the relief which this

resolution grants, be filed with said Commissioner as evidence of his ownership of said certificate, number three thousand and eight.

This resolution shall take immediate effect.

Approved May 21, 1877.

[No. 33.]

JOINT RESOLUTION to amend section seven of article fifteen of the Constitution of the State of Michigan, relative to corporations.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the following amendment to the Constitution of this State be and the same is hereby proposed, to stand as section seven of article fifteen :

SEC. 7. The stockholders in all corporations and joint stock associations shall be individually liable in an amount equal to the par value of their respective shares which they own or have owned in such corporations or associations for all labor done in behalf of such corporation or joint stock association during the time of their being such stockholders.

Be it further resolved, That said constitutional amendment shall be submitted to the people of the State at the annual election to be held on the first Monday in April, in the year eighteen hundred and seventy-eight; and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State in the same manner that he is now required to do in case of an election of Governor or Lieutenant Governor; and the inspectors of election in the several townships and cities of this State shall prepare a suitable box for the reception of ballots cast for or against said amendment. Each person voting for said amendment shall have written or printed or partly written and partly printed, on his ballot, the words, "Amendment relative to corporations,—Yes," and each person voting against said [such] amendment the words, "Amendments [Amendment] relative to corporations—No." The ballots shall in all respects be canvassed, and returns be made as in elections of Governor and Lieutenant Governor.

Approved May 21, 1877.

[No. 34.]

JOINT RESOLUTION to authorize the Commissioner of State Land Office or other proper officer to convey the south half of the southeast quarter of section sixteen, in township number seven south, of range six east, to Johannes A. Lefever, assignee of primary school land certificate number seven thousand nine hundred and eighty-nine.

WHEREAS, On the eleventh day of March, in the year of our Lord one thousand eight hundred and sixty-four, primary school land certificate number seven

thousand nine hundred and eighty-nine was issued by Cyrus Hewitt, deputy commissioner of the State Land Office of the State of Michigan, for the sale of the south half of the southeast quarter of section number sixteen, in township number seven south, of range number six east, to Joseph Hague;

AND WHEREAS, On the twenty-second day of April, in the year of our Lord one thousand eight hundred and sixty-seven, the said Joseph Hague duly assigned in writing the said certificate to Johannes A. Lefever;

AND WHEREAS, It appears that the conditions upon which the said assignment by the said Joseph Hague to the said Johannes A. Lefever, and upon the performance of which the said assignment was to become invalid and of no effect, have never been performed, and said assignment has never been invalidated, although the time for such performance has long since elapsed; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office, or other proper officer, is hereby authorized, upon proper proof of the above stated facts, by affidavit or otherwise, to the satisfaction of such officer, to execute and deliver to said Johannes A. Lefever, for and in behalf of the State of Michigan, a full conveyance and release of all the right, title, and interest of said State in and to the land in said certificate above described, subject to all the rights of the said Joseph Hague thereto, upon the payment to the proper officer of said State, by the said Johannes A. Lefever, his heirs or assigns, of the amount due or unpaid to said State upon said certificate.

Approved May 22, 1877.

[No. 35.]

JOINT RESOLUTION requiring the Auditor General of the State to credit to the counties of Midland and Mecosta all moneys charged by said Auditor General to said counties of Midland and Mecosta, on account of the detaching of the unorganized county of Clare.

WHEREAS, At the session of the Legislature in the year eighteen hundred and seventy-one, the east half of the unorganized county of Clare was detached from the county of Midland and the west half of said unorganized county of Clare was detached from the county of Mecosta, and the said unorganized territory of Clare was organized as the county of Clare;

AND WHEREAS, The Auditor General did deduct from the credit of Midland county and credit to the county of Clare eight thousand one hundred and eighty-five and thirty-two one-hundredths dollars, and did deduct from the credit of Mecosta county and credit to Clare county the sum of five thousand three hundred and eighty-six and ninety-nine-one hundredths dollars, making a total credit of thirteen thousand five hundred and seventy-two and thirty-one one-hundredths dollars to the county of Clare; therefore

Be it resolved by the Senate and House of Representatives, That the Auditor General be and he is hereby required to credit to the county of Midland the sum of-eight thousand one hundred and eighty-five and thirty-two one-hun-

dretdths dollars, and to credit to the county of Mecosta the sum of five thousand three hundred and eighty-six and ninety-nine one-hundredths dollars, deducted as aforesaid, and charge the same to the county of Clare: *Provided*, That this joint resolution shall not be construed to affect any settlement heretofore made, or which shall hereafter be made between the counties above named: "*Provided further*, That the said county of Clare shall not be required to repay the amount so charged back in less than four annual installments, commencing in the year 1877."

Approved May 22, 1877.

[No. 36.]

JOINT RESOLUTION to authorize the Board of State Auditors of this State to discharge from record, a certain indenture of mortgage, executed by Edmund H. Hazelton and Clarinda B. Hazelton, and George M. Dewey, to the People of the State of Michigan, and dated January fourth, eighteen hundred and sixty.

WHEREAS, Edmund H. Hazelton and Clarinda B. Hazelton, and George M. Dewey, executed a certain indenture of mortgage to the people of the State of Michigan, dated January fourth, eighteen hundred and sixty, for the sum of fifty thousand dollars, with interest thereon at seven per cent per annum, from July first, eighteen hundred and fifty-nine, to be paid on or before June fifteenth, eighteen hundred and sixty; which mortgage was given upon all the lands of the parties of the first part, situate in the following named counties in said State of Michigan, to wit: Genesee, Shiawassee, Saginaw, Tuscola, Midland, Livingston, Hillsdale, or elsewhere in the State of Michigan;

AND WHEREAS, Said indenture of mortgage was duly recorded in the offices of the registers of deeds of the State of Michigan as follows, to wit: In volume twenty of mortgages of Genesee county, at pages seventy-seven and seventy-eight; in liber G of mortgages of Shiawassee county, at pages two hundred and sixty-seven, two hundred and sixty-eight, and two hundred and sixty-nine; in liber G of mortgages of Saginaw county, at pages four hundred and eighty-nine, four hundred and ninety, four hundred and nine-one, four hundred and ninety-two, and four hundred and ninety-three; in liber three of mortgages of Tuscola county, at pages six, seven, and eight; in liber A of mortgages of Midland county, at pages two hundred and fifty-two, two hundred and fifty-three and two hundred and fifty-four; in liber seventeen of mortgages of Livingston county, at pages three hundred and four, three hundred and five, and three hundred and six; and perhaps in the offices of registers of deeds of other counties of said State;

AND WHEREAS, Said Edmund H. Hazelton, Clarinda B. Hazelton, and George M. Dewey, or some of them, did at the time of the giving of said indenture of mortgage, own lands or an interest therein, in the counties of Genesee, Shiawassee, Saginaw, Tuscola, Midland, Livingston, Gladwin, Bay, Lapeer, Eaton, and Ingham, and perhaps other counties of said State;

AND WHEREAS, Said Edmund H. Hazelton, Clarinda B. Hazelton, and

George M. Dewey, or one or more of said parties, or other parties, have fully paid said indenture of mortgage, together with interest thereon, to the full satisfaction of the people of the State of Michigan; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors of the State of Michigan be, and they are hereby authorized to execute a full satisfaction, or discharge of said indenture of mortgage, executed as aforesaid, by said Edmund H. Hazelton, Clarinda B. Hazelton, and George M. Dewey, to the people of the State of Michigan, and to procure the recording of the same, in the register's office of any county of this State, upon payment of the fees for recording being paid by any person applying therefor.

This joint resolution shall take immediate effect.

The foregoing joint resolution passed the Senate and House of Representatives by a vote of two-thirds all the members elect.

Approved May 24, 1877.

CONCURRENT RESOLUTIONS.

[No. 1.]

CONCURRENT RESOLUTION appointing Willie L. Grove Postmaster's messenger.

Resolved (the Senate concurring), That Willie L. Grove be and he is hereby appointed Postmaster's messenger, at a compensation of one dollar and fifty cents per day.

Approved January 23, 1877.

[No. 2.]

CONCURRENT RESOLUTION.

WHEREAS, By a resolution of the House of Representatives, which passed this House and also the Senate, at an early period in this session, an investigation of an alleged defalcation in the chemical laboratory of the University of Michigan was ordered;

AND WHEREAS, The joint committee of the House and Senate to which said investigation was committed, have made a very thorough and exhaustive examination of all the matters [matter] pertaining to such alleged defalcation, and the treatment of the same by the board of regents of the said University;

AND WHEREAS, An examination of the important testimony taken in said investigation is necessary to a proper and full understanding of any conclusion which said joint committee may reach; therefore

Resolved, That the said committee, in conjunction with the several committees of the House and Senate on printing, be and they are hereby authorized and empowered to order the printing of five hundred copies of the testimony taken, and report which shall be made by said committee.

One hundred and thirty-two copies of which shall be for the use of the members of the House of Representatives and of the Senate, one copy each for the officers and reporters of the Legislature, one copy for each of the State officers, one copy for each of the regents of the University, and the remaining copies to be turned over to the custody of the State Librarian, to be disposed of as she may be directed by the Governor and Secretary of State.

Approved March 16, 1877.

[No. 3.]

CONCURRENT RESOLUTION.

WHEREAS, Provision has been made by concurrent resolution for the publication of five hundred copies of the report of the joint committee of the House and Senate on the defalcation in the chemical laboratory of the University and the evidence taken therein; and

WHEREAS, In said concurrent resolution a part of said reports, with the evidence, are left to be distributed by the Librarian, under the direction of the Governor and Secretary of State; therefore

Resolved (by the House, the Senate concurring), That two additional copies be furnished to each member of the Legislature for distribution in the several districts, and the remaining copies be left in the hands of the State Librarian.

Received at the executive office March 24, 1877.*

[No. 4.]

CONCURRENT RESOLUTION authorizing the Auditor General to issue his warrant to Allen L. Bours for compiling the Legislative Manual.

Resolved (the House of Representatives concurring), That the Auditor General be and he is hereby authorized and directed to issue his warrant on the State Treasurer for the sum of two hundred and fifty dollars, to Allen L. Bours, for compiling the Legislative Manual and preparing diagrams and maps for the same, pursuant to a concurrent resolution passed by the Legislature, and that the State Treasurer is hereby authorized and directed to pay the same out of any money in the treasury not otherwise appropriated.

Approved March 24, 1877.

[No. 5.]

CONCURRENT RESOLUTION authorizing the Board of Inspectors of Michigan State Prison to settle with H. G. Filkins and Robert L. Crane.

WHEREAS, On the fourth day of March, in the year of our Lord one thousand eight hundred and seventy-four, a contract for convict labor was entered into between the agent of the Michigan State Prison, party of the first part, and H. G. Filkins and Robert L. Crane, parties of the second part;

AND WHEREAS, By a fire which occurred on the twenty-second day of February, in the year of our Lord one thousand eight hundred and seventy-seven, the shops, together with the engines and machinery, and the tools used in connection with labor of such convicts, were destroyed or rendered unfit for further use for such purposes;

AND WHEREAS, Such fire has rendered said parties of the second part financially unable to continue such contract;

* Became a law under section 14 of article IV. of the Constitution without the approval of the Governor.

AND WHEREAS, The said second parties are indebted to the State Prison in the sum of about eight thousand dollars;

AND WHEREAS, The claim of the State Prison against said second parties is secured in part by a bond in the sum of five thousand dollars;

AND WHEREAS, A settlement, subject to the assent of the Legislature has been effected between the Board of Inspectors and the parties of the second part to the aforementioned contract and their sureties, upon the terms and conditions as set forth below, viz. : The said sureties to pay the sum of four thousand five hundred dollars, and in addition thereto the parties of the second part to turn over to the Board of Inspectors a certain building now used as a barrel warehouse, and also certain other chattels and effects, all together invoiced and valued at about four thousand two hundred dollars;

AND WHEREAS, It is conditioned that such settlement shall only take effect with the assent and approval of the Legislature;

AND WHEREAS, The Board of Inspectors consider the above mentioned terms the most advantageous to the prison that can be obtained;

Resolved by the House of Representatives (the Senate concurring), That the terms of the above mentioned settlement between the Board of Inspectors of the Michigan State Prison and the said parties of the second part and their sureties, be and they hereby are assented to and approved..

Approved April 18, 1877.

[No. 6.]

CONCURRENT RESOLUTION.

Resolved (the Senate concurring), That in the recent work introduced into this State by Dr. Henry A. Reynolds we recognize a reform so beneficent in its aims, and so wise in its measures, as to have won public confidence in an unprecedented degree,—not only achieving marvelous results in its effects upon individuals, families, and communities, but promising to be as far-reaching in its influence as of necessity to greatly diminish poverty and crime, the expenses of alms-houses, police courts, and prisons, as well as the demands upon private and public charity; and promising also to solve the much vexed problem of tramps, vagrants, paupers, and convicts,—striking as it does at the root of pauperism and crime.

Resolved, That to Dr. Henry A. Reynolds, the originator and prosecutor of this reform, as developed in this State, we tender grateful appreciation and thanks.

Approved May 3, 1877.

[No. 7.]

CONCURRENT RESOLUTION allowing extra compensation to Willie L. Grove.

WHEREAS, The messenger boys of the Senate and House receive two dollars per day and do not perform more labor or work more hours than the assistant postmaster, who only receives one dollar and fifty cents per day;

Resolved (the Senate concurring), That there be paid to Willie L. Grove, the assistant postmaster of this Legislature, the sum of fifty cents per day as extra compensation for services rendered at the present session.

Approved May 10, 1877.

[No. 8.]

CONCURRENT RESOLUTION directing the Secretary of the Senate and the Clerk of the House of Representatives to mail certain journals and other documents to the members of the Legislature, and others mentioned.

Resolved (the House concurring), That the secretary of the Senate and the clerk of the House of Representatives be instructed to forward by mail, to the postoffice address of each member of the Legislature, the usual daily copies of the journal for the remainder of the session; also copies of such other publications, documents, and reports as have not yet been printed, to which the members are entitled, and they are hereby authorized to draw warrants on the treasury for such amount of postage as may be required.

Approved May 21, 1877.

[No. 9.]

CONCURRENT RESOLUTION directing the Secretary of the Senate and the Clerk of the House of Representatives to compile and index the journals and documents of the present Legislature.

Resolved (the Senate concurring), That the Secretary of the Senate and Clerk of the House of Representatives, be and they are hereby directed to compile and prepare for publication and make indexes and superintend the publication of the journals and documents of the present Legislature, and when completed and certified by the Secretary of State, they shall each be entitled to and receive for such services the sum of five hundred dollars.

Approved May 22, 1877.

[No. 10.]

CONCURRENT RESOLUTION.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and is hereby directed to forward the laws, journals, and all other documents of the present session of the Legislature to the reporters of the press who have been in attendance since the opening of the session.

Approved May 22, 1877.

[No. 11.]

CONCURRENT RESOLUTION.

WHEREAS, The property of the Michigan Central Railroad Company, by virtue of the charter of the said company, is exempt from municipal taxation, and is only subject to a limited extent to taxation by the State;

AND WHEREAS, This special immunity of the said company from the burden of taxation is only to the extent of protecting therefrom such property of the said company as is reasonably necessary and proper to the conduct of the sole and legitimate business of the said company;

AND WHEREAS, In the city of Detroit, and between the said city and the Grand Trunk Junction, so called, in the township of Springwells, in the county of Wayne, the said the Michigan Central Railroad Company has purchased large and extensive grounds and property, and to a much greater extent than is necessary and proper to fairly conduct its own several business, and has so enlarged its grounds and property for the purpose of accommodating other railroad companies in the transaction of their business; and in furthering that purpose the said the Michigan Central Railroad Company has been for some time past and is now permitting various railroad companies, to-wit: the Grand Trunk Railway Company of Canada, the Great Western Railway Company of Canada, the Detroit and Bay City Railroad Company, the Detroit, Lansing and Northern Railroad Company, the Flint and Pere Marquette Railroad Company, the Grand River Valley Railroad Company, and the Toledo, Canada Southern, and Detroit Railway Company, to occupy and avail themselves of such enlarged grounds and property;

Resolved (the Senate concurring), That the Attorney General and Commissioner of Railroads be and they are hereby requested to examine into the matters aforesaid, and to take such measures as they shall deem advisable and expedient, and to institute legal proceedings if necessary to fully ascertain by what warrant or authority the said the Michigan Central Railroad Company assumes to so extend and enlarge its grounds and property beyond and in excess of the reasonable necessities of its own business, and permits other railroad companies to use and avail themselves of such facilities, and thereby enable such companies to escape from the performance of the duty they owe to the State to fully bear the proper and legitimate burdens of taxation to which they should justly be subjected. The said Attorney General and Commissioner of Railroads are also requested, should they find such procedure without warrant

or authority, to take such action as will be lawful and necessary to prevent a further continuance of such conduct.

Approved May 22, 1877.

[No. 12.]

CONCURRENT RESOLUTION to provide for the printing of two thousand copies of the History of the Battle Flags of Michigan, and for the distribution of the same.

WHEREAS, His Excellency the Governor has transmitted to the Legislature a communication from the Adjutant General of the State, accompanied by a record of the war flags of Michigan, and recommends that the Legislature take such action by concurrent resolution as shall provide for the publication of the history of these mementoes of the patriotism and heroism of our citizen soldiers in proper and suitable form for preservation and distribution; therefore

Resolved by the Senate (the House of Representatives concurring), That there be and the same is hereby ordered printed in a style similar to the printed proceedings of the laying of the corner stone of the Michigan State capitol two thousand copies of the history of the battle flags of Michigan, at a cost not to exceed four hundred and fifty dollars (\$450.00); one thousand copies for the use of State officers, members of the Legislature, and officers of the same, and of the several State boards; and one thousand copies for general distribution as the Governor may direct.

Approved May 22, 1877.

[No. 13.]

CONCURRENT RESOLUTION relative to printing and distributing the general acts of eighteen hundred and seventy-seven which are ordered to take immediate effect.

Resolved by the House of Representatives (the Senate concurring), That the Secretary of State be directed to forward to the Supreme, Circuit, Superior, and probate judges, the county, city, village, and township clerks, the supervisors of townships and aldermen of wards, the publishers of all newspapers, the State officers, members of State boards, and members of both branches of the Legislature, copies of all the general acts of eighteen hundred and seventy-seven which are ordered to take immediate effect, printed and bound in pamphlet form, at the earliest practicable date after the adjournment of this Legislature, provided the entire cost to the State of such work shall not exceed four hundred dollars.

Approved May 25, 1877.

NOTE.—The words and sentences enclosed in brackets in the foregoing acts and resolutions were in the bills and resolutions as passed by the Legislature, but not in the enrolled copies as approved by the Governor.

AMENDMENTS TO THE CONSTITUTION,

PROPOSED BY THE LEGISLATURE OF EIGHTEEN HUNDRED AND SEVENTY-FIVE, AND RATIFIED AND APPROVED BY THE PEOPLE AT THE GENERAL ELECTION OF EIGHTEEN HUNDRED AND SEVENTY-SIX.

Section 47, Article IV., forbidding the grant of license for the sale of intoxicating liquors, stricken out.

ARTICLE XX.—AMENDMENT AND REVISION OF THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution Amendment. may be proposed in the Senate or House of Representatives. If the same shall be agreed to by two-thirds of the members elected to each House, such amendment or amendments shall be entered on the journals respectively, with the yeas and nays taken thereon, and the same shall be submitted to the electors at the next spring or autumn election thereafter, as the legislature shall direct; and if a majority of electors qualified to vote for members of the Legislature, voting thereon, shall ratify and approve such amendment or amendments, the same shall become part of the Constitution.

CERTIFICATE.

STATE DEPARTMENT MICHIGAN, } ss.
Secretary's Office.

I, E. G. D. HOLDEN, Secretary of State of the State of Michigan, do hereby certify, that the date of the final adjournment of the regular session of the Legislature of this State for the present year was May twenty-second, one thousand eight hundred and seventy-seven.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Michigan, at Lansing, this twenty-ninth day of
[L. s.] May, in the year of our Lord one thousand eight hundred and seventy-seven.

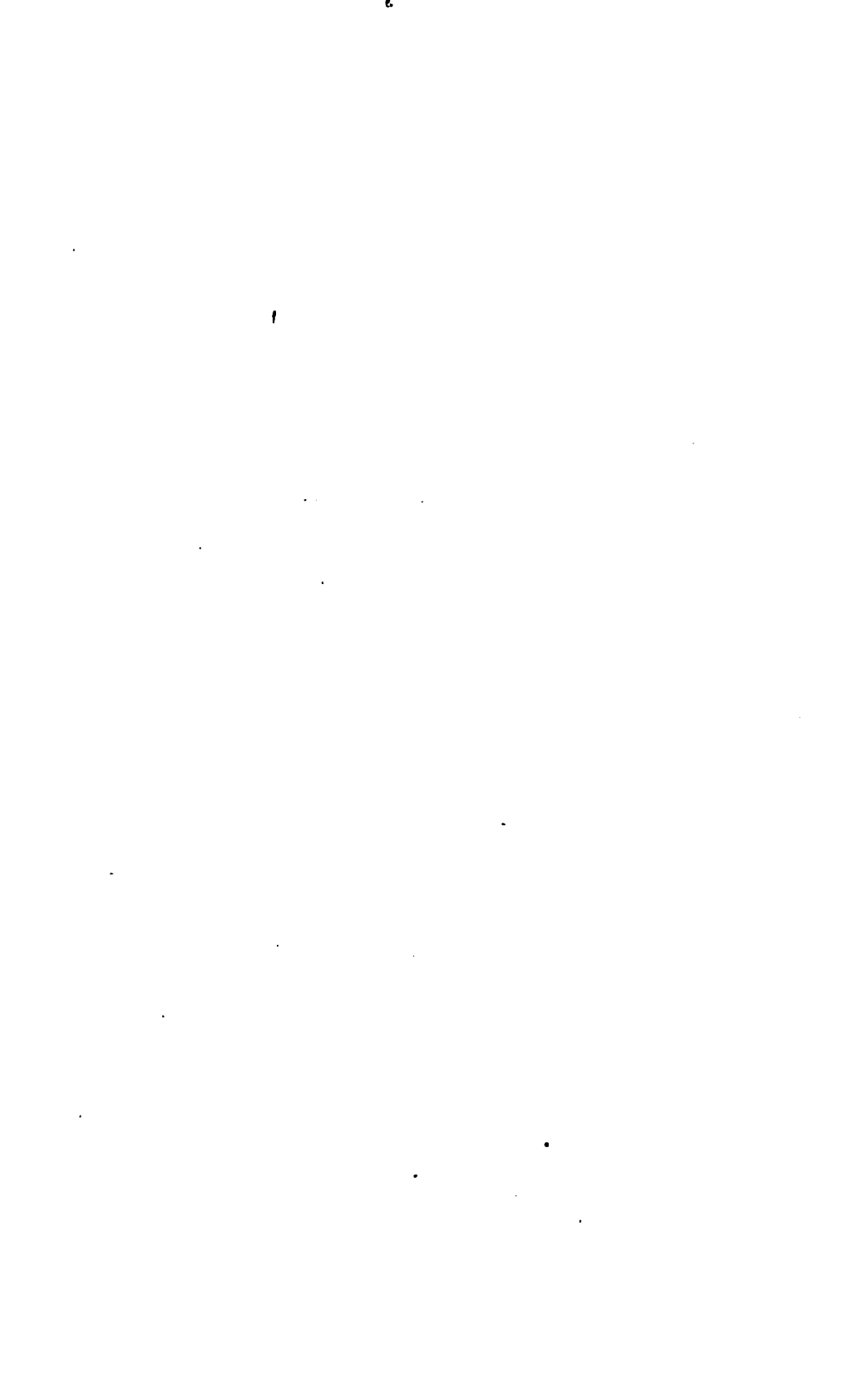
E. G. D. HOLDEN,
Secretary of State.

A P P E N D I X :

CONTAINING

STATE TREASURER'S ANNUAL REPORT

FOR THE YEAR 1876.



STATE TREASURER'S ANNUAL REPORT, 1876.

STATE OF MICHIGAN,
STATE TREASURER'S OFFICE }
LANSING, Sept. 30, 1876.

To HON. JOHN J. BAGLEY, *Governor of the State of Michigan*:

SIR,—In compliance with the requirements of law, I have the honor to submit herewith the annual report of this department for the fiscal year ending this day.

The balance of cash in the Treasury, Sept. 30, 1875, was.....	\$1,229,106 50
The cash receipts for the year were.....	1,744,406 29
	<u>\$2,973,512 79</u>
The cash payments for the year were.....	1,909,507 49
	<u>Balance Sept. 30, 1876.....</u>
	<u>\$1,064,005 30</u>

The transactions in Swamp Land Warrants were as follows:

Balance outstanding Sept. 30, 1875.....	\$97,862 49
Swamp Land Warrants issued.....	34,445 67
	<u>\$132,308 16</u>
Amount Land Warrants paid.....	70,303 66
	<u>Balance outstanding.....</u>
	<u>\$62,004 50</u>

The demands on the Treasury now due, and those maturing on or before January 1, 1877, are as follows:

Past due Bonds and Coupons.....	\$16,473 97
Trust Deposits due on demand.....	3,403 33
Semi-annual Interest due Nov. 1, 1876.....	12,495 00
“ “ “ “ Jan'y 1, 1877.....	30,600 00
Ag'l College “ “ “ 1, 1877.....	2,100 00
University “ “ “ 1, 1877.....	7,800 00
Appropriations—Geological Survey.....	15,427 00
“ Agricultural College.....	2,670 50
“ Public School.....	8,375 00

Appropriations—New Capitol.....	\$195,147 22
Normal School.....	10,920 27
Reform School.....	20,000 00
State Prison.....	7,000 00
Asylum for D., D., and B.....	16,828 65
Asylum for Insane.....	3,800 00
New Asylum for Insane.....	95,975 26
Commission on Fisheries.....	7,906 01
State Board of Health.....	2,735 76
History of Campaigns.....	2,500 00
Centennial.....	1,162 51
State House of Correction.....	66,500 00
Pioneer Society.....	750 00
University.....	14,875 00
Corner Stone.....	2,478 69
Charitable P., P., and Ref. Institutions.....	17,518 21
Soldiers' Aid.....	18,500 00
	<u>\$583,952 03</u>

The following amounts have been received and are held in trust for purposes named:

Sinking Fund for the purchase of Bonds.....	\$415,407 47
Canal Fund for retiring Bonds and Expenses.....	54,611 54
Military Fund.....	27,111 78
Primary School Interest Fund.....	80,457 31
	<u>\$577,588 10</u>

There has been received during the year \$15,551 33 from the Treasurer of the United States, for five per cent of the proceeds of cash sales of Government lands lying within this State.

The total receipts from specific taxes were \$527,565 59. Of this amount \$20,041 93 was received for mining taxes from the Upper Peninsula; the remainder \$507,523 66 is an amount sufficient to pay the interest on the Trust Funds, and on the Bonded Debt of the State and leave \$210,912 76 to be credited to the Sinking Fund.

The balance in the Canal Fund, September 30th, 1875 was.....	\$59,088 77
Received from Superintendent.....	14,668 03
	<u>\$73,756 80</u>

The payments have been:

Coupons.....	\$2,760 00
Expenses of Board.....	480 41
Salaries.....	1,625 00
Improvements.....	14,279 85
	<u>19,145 26</u>

Leaving a balance September 30th, 1876, of..... \$54,611 54

The balance in the Military Fund, September 30th, 1875, was...	\$72,014 29
Transfer, Act 114 of 1875	\$1,674 30
Transfer, Act of 130 of 1875.....	2,035 79
	<hr/> 3,710 09
	<hr/> \$75,724 38
The payments have been:	
Quarter Master General's Estimates.....	\$42,379 24
Salaries	2,233 36
Soldiers' aid, Act 115, 1873.....	4,000 00
	<hr/> 48,612 60
Leaving a balance of.....	<hr/> \$27,111 78

STATE DEBT.

The bonded debt of the State has been reduced during the year by the purchase of unmatured bonds, to the amount of \$53,000 00. To accomplish this I have by the direction of the Board of Fund Commissioners, in accordance with act No. 12, of 1875, paid premiums to the amount of \$2,040 11.

The following shows the kinds of bonds purchased and the time when they would have matured:

Renewal Loan Bonds, due July 1, 1878	\$3,000 00
Two Million Loan Bonds, due July 1, 1878.....	46,000 00
Two Million Loan Bonds, due January 1st, 1878.....	3,000 00
War Bounty Loan Bonds, due May 1st, 1890	1,000 00
	<hr/> \$53,000 00

The total interest on the State Debt for the fiscal year just closed was	\$87,182 50
While the interest received during the same time was, upon surplus funds.....	44,328 75
Upon past due specific taxes.....	20,968 02
	<hr/> \$65,296 77

Deducting this from the amount paid, there is a difference of \$21,885 78 that the State paid in interest more than it received, while the bonded debt of the State is as follows:

STATE DEBT.

Interest-Bearing Bonds.

Sault Canal Bonds, 6's, due July 1, 1879.....	\$46,000 00
Renewal Loan Bonds, 6's, due July 1, 1878.....	101,000 00
Two-Million Loan Bonds, 6's, due January 1, 1878.....	244,000 00
Two-Million Loan Bonds, 6's, due January 1, 1883.....	629,000 00
War Bounty Loan Bonds, 7's, due May 1, 1890.....	357,000 00
Total	<hr/> \$1,377,000 00

Non-Interest-Bearing Debt.

Adjusted Bonds, due January 1, 1863.....	\$3,000 00	
\$21,000 00 Part-paid Five-Million Loan Bonds, adjustable at \$578 57 per \$1,000.....	12,149 97	\$15,149 97
Total Bonded Debt.....		<u>\$1,392,149 97</u>

The cash in the Treasury set apart for the payment of the Bonded Debt is as follows:

Sinking Fund.....	\$415,407 47
Canal Fund.....	54,611 54
Balance from sale of Two-Million Loan Bonds to pay adjusted and Five-Million Loan Bonds.....	15,149 97
	<u>\$485,168 98</u>

Which leaves the total Bonded Debt of the State, less cash in the Treasury, applicable to its payment, \$906,980 99.

The Trust Debt of the State is composed of the following funds and amounts:	
Primary School Fund.....	\$2,259,282 01
Five per cent Primary School Fund.....	299,676 59
University Fund.....	344,855 78
Agricultural College Fund.....	118,827 68
Normal School Fund.....	53,301 33
Railroad and other deposits.....	3,403 33
Total.....	<u>\$3,079,346 71</u>

The balance in the Sinking Fund is.....\$415,407 47

The credits to the fund during the year have been—

Surplus of Specific Taxes.....	\$211,422 76
War Expenses Refunded by U. S.....	11,340 55
Making the total credits.....	<u>\$222,763 31</u>

The charges against the fund were for:

Renewal Loan Bonds purchased.....	\$3,000 00
Ten Million Loan Bonds purchased.....	49,000 00
War Bounty Loan Bonds purchased.....	1,000 00
Premium paid on bonds.....	2,040 11
Making a total of.....	<u>\$55,040 11</u>

The transactions in this fund since its inception (see Act 122 of 1861) are as follows:

1-16 mill tax 8 years,—1861 to 1868.....	\$111,511 06
$\frac{1}{8}$ " " 10 " —1862 to 1871.....	357,256 57
Excess of taxes for interest.....	1,658,436 70
War expenses refunded by U. S.....	278,168 95
Discount on bonds purchased.....	3,069 17
Trust Funds received from Feb. 1, 1863, to March 1, 1875.....	1,769,636 87
Transferred from Gen. Fund, J. R. No. 7, 1869.....	200,000 00
Total	<u>\$4,378,079 32</u>

Contra.

Temporary Loan Bonds.....	\$50,000 00
Renewal Loan Bonds.....	115,000 00
Two Million Loan Bonds.....	1,127,000 00
War Loan Bonds.....	1,249,400 00
War Bounty Loan Bonds.....	949,000 00
Premium on bonds.....	5,443 45
Transfer to Gen. Fund, J. R. No. 17, 1875.....	466,828 40
Balance	415,407 47
	<u>\$4,378,079 32</u>

During the past year there has been surrendered to the various townships on the written order of their respective boards, verified under seal by their County Clerks, Railroad Aid Bonds to the amount of \$177,666.40. Below I give a detailed list of those still remaining in this office:

RAILROAD AID BONDS.

TOWNSHIP.	COUNTY.	RAILROAD.	AMOUNT.
Constantine.....	St. Joseph.....	Michigan Air Line.....	\$50,000 00
Columbia.....	Van Buren.....	Kalamazoo & South Haven.....	20,000 00
Bangor.....	Van Buren.....	Kalamazoo & South Haven.....	15,000 00
Bingham.....	Clinton.....	Lansing, St. Johns & Mackinac.....	40,000 00
Emerson.....	Gratiot.....	Lansing, St. Johns & Mackinac.....	10,000 00
Washington.....	Gratiot.....	Lansing, St. Johns & Mackinac.....	8,000 00
Coe.....	Isabella.....	Lansing, St. Johns & Mackinac.....	15,579 00
Chippewa.....	Isabella.....	Lansing, St. Johns & Mackinac.....	5,613 90
Lyons.....	Ionia.....	Jonesville, Marshall & Grand River.....	40,000 00
Bushnell.....	Montcalm.....	Jonesville, Marshall & Grand River.....	11,200 00
Oceana.....	Muskegon.....	Michigan Lake Shore.....	30,000 00
Bainbridge.....	Van Buren.....	Paw Paw Valley.....	15,000 00
Corunna.....	Shiawassee.....	East Saginaw & Ann Arbor.....	14,000 00
Spaulding.....	Saginaw.....	East Saginaw & Ann Arbor.....	19,500 00
Talmadge.....	Ottawa.....	Grand Rapids & Lake Shore.....	10,500 00
Lyon.....	Oakland.....	Toledo, Ypsilanti & Saginaw.....	15,000 00
Augusta.....	Washtenaw.....	Toledo, Ypsilanti & Saginaw.....	20,000 00
St. Clair.....	St. Clair.....	Michigan Air Line Extension.....	28,800 00
Spring Lake.....	Ottawa.....	Fruitport & Lake Shore.....	133,00 00
Total.....			<u>\$380,992 90</u>

RECEIPTS FOR THE YEAR ENDING SEPT. 30, 1876.

Tax Histories and Statements.....	\$2,306 81	
State Tax Deeds.....	580 15	
State Tax Lands and Bids.....	73,539 49	
Redemptions.....	38,795 99	
Delinquent Taxes.....	214,783 52	
		\$330,005 96
Primary School Principal.....	\$63,389 66	
" " Interest.....	45,595 33	
Swamp Land Principal.....	47,055 10	
" " Interest.....	3,392 48	
University Principal.....	3,902 79	
" " Interest.....	7,358 33	
Agricultural College Principal.....	5,939 30	
" " Interest.....	7,169 54	
Normal School Principal.....	1,149 68	
" " Interest.....	1,202 97	
Asylum Principal.....	626 96	
" " Interest.....	1,096 06	
State Building Principal.....	372 50	
" " Interest.....	280 36	
Salt Spring Interest.....	841 06	
Dewey Asset Lands.....	2,505 74	
		191,877 86
Primary School Deposits.....	\$2,060 33	
" " Interest Deposits.....	169 42	
Swamp Land Deposits.....	107 50	
University Deposits.....	373 00	
" " Interest Deposits.....	3 88	
State Building Deposits.....	1,135 86	
" " Interest Deposits.....	68 56	
		3,918 55
Escheat Lands.....	\$1,223 72	
" " Interest.....	21 00	
		1,244 72
Taxes on Part-paid Lands.....		6,687 83
Counties—State Tax of 1875.....	\$308,562 31	
State Tax Sales.....	149,585 78	
General Account.....	52,587 06	
Taxes and Redemptions.....	52,112 17	
		562,847 32
Specific Taxes—Railroad Companies.....	\$397,804 81	
Street Railway Companies.....	1,602 72	
Car Companies.....	5,030 03	
Fire Insurance Companies.....	67,394 81	
Life Insurance Companies.....	29,990 94	
Mining, Copper, and Iron Cos.....	20,041 93	
Mining, Coal Companies.....	157 63	
Telegraph Companies.....	2,324 19	

APPENDIX.

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Specific Taxes—Express Companies.....	\$1,485 96	
Plank Road Companies.....	35 45	
River Improvement Companies.....	1,697 12	
		\$527,565 59
Interest—Surplus Funds.....	\$44,328 75	
Specific Taxes.....	20,889 66	
Penalties on Specific Taxes.....	78 36	
		65,296 77
Sales—Michigan Reports.....	\$5,896 75	
Compiled Laws.....	504 00	
Session Laws.....	153 50	
Territorial Laws.....	10 00	
Old Paper.....	3 65	
		6,567 90
Fees—Secretary of State.....	\$637 60	
Commissioner of Land Office.....	1,946 35	
Auditor General, filing plats.....	112 00	
Commissioners of Deeds.....	225 00	
Notaries Public.....	643 00	
		3,563 95
Brewed and Fermented Liquor Tax.....		400 00
Rents—Primary School Lots in Lansing.....	\$10 00	
State Building Lots in Lansing.....	150 00	
		160 00
Tolls—St. Mary's Falls Ship Canal.....		14,668 03
Peddlers' Licenses.....		336 00
Refunded—Immigration Commission.....	\$1,447 66	
Award Board State Auditors.....	1 10	
Incidental Expenses Legislature.....	21 84	
State Public School.....	300 00	
		1,770 60
Five Per Cent Sales of Land from U. S.....		15,551 33
Trespasses collected on State Lands.....		11,942 38
Grass on Capitol Square.....		1 50
Total.....		\$1,744,406 29

EXPENDITURES FOR THE YEAR ENDING SEPTEMBER 30, 1875.

Bonds—Renewal.....	\$3,000 00	
Two Million Loan.....	49,000 00	
War Bounty Loan.....	1,000 00	
		\$53,000 00
Coupons—Canal Bonds.....	\$2,760 00	
Renewal Bonds.....	5,940 00	
Two Million Loan Bonds.....	53,212 50	
War Bounty Loan Bonds.....	25,270 00	
		87,182 50
Premium on Bonds.....		2,040 11

Counties—Primary School Apportionment.....	\$223,969 00	
Taxes collected.....	283,690 88	
Asylums.....	10,675 62	
		\$518,335 50
Specific Tax transfers—University Interest.....	\$38,371 32	
Agricultural College Interest.....	18,817 89	
Normal School Interest.....	17,000 00	
		74,189 21
Appropriations—University Aid.....	\$31,500 00	
University, Mich.....	26,500 00	
Agricultural College.....	13,857 52	
Insane Asylum, Kalamazoo.....	33,550 00	
Insane Asylum, Pontiac.....	91,033 31	
D., D., and B. Asylum, Flint.....	47,476 50	
State Capitol.....	225,342 36	
State Public School.....	44,450 00	
State Reform School.....	28,500 00	
State Prison.....	36,000 00	
State House of Correction.....	82,639 80	
State Board of Health.....	4,096 27	
State Library.....	2,000 00	
Board of Fish Commissioners....	6,963 31	
Board of Commissioners of Char- itable, Penal, Pauper and Re- formatory Institutions.....	1,839 66	
Geological Survey.....	6,573 00	
Centennial Exhibition.....	6,159 59	
Officers' salaries of Insane Asylum	8,850 00	
Soldiers' aid.....	4,000 00	
Care of juvenile offenders.....	474 45	
Conveying convicts to prison.....	4,525 42	
Apprehending escaped convicts...	273 00	
Pomological Exhibition.....	48 25	
Immigration Commission.....	2,000 00	
		708,652 44
Awards of Board of State Auditors—		
General.....	\$22,350 54	
Printing and Binding.....	48,892 52	
Paper and Stationery.....	24,019 94	
Swamp Land State Road office.....	731 16	
Michigan Reports.....	9,227 71	
Expense of Courts.....	257 79	
Expense of Suits.....	764 78	
Advertising Sales Forfeited Lands.....	350 60	
Advertising Sales Swamp Lands.....	91 00	
Expense of Sales.....	116 60	
Condemning Property for Public Use.....	11 00	
Trustees and Commissioners to Asylums, etc....	397 33	
Conveying Children to State Public School.....	908 06	

State Public School.....	\$258 67	
St. Mary's Falls Ship Canal.....	480 41	
Collecting War Claim vs. U. S.....	2,883 60	
Expenses Swamp Land Board of Control.....	81 80	
		\$111,823 51
Salaries—General Fund.....	\$160,222 62	
Swamp Land Fund.....	2,200 00	
Canal Fund.....	1,625 00	
Military Fund.....	2,233 36	
		166,280 98
Military—Quartermaster General's Estimates.....		42,379 24
General Awards—Swamp Land Warrants.....	\$34,445 67	
Redemptions, taxes, etc.....	45,854 68	
Expenses—St. Mary's Falls Ship Canal.....	14,279 85	
Courts.....	1,089 14	
Suits.....	376 24	
State Reporter.....	161 18	
Sales.....	858 37	
Inspectors of State Prison.....	1,105 65	
Trustees to Asylums, etc.....	658 36	
Conducting Tax Sales.....	7,754 06	
Advertising " ".....	24,990 40	
Supervisors' Appraisals Forfeited Lands.....	722 50	
Collecting 5% Sales of United States.....	133 17	
Refunding sales of Lands, Principal.....	2,917 50	
" " " Interest.....	214 39	
" Sundry Deposits.....	7,171 63	
" Taxes on part-paid Lands.....	28 50	
" Notary Fee.....	2 00	
Teachers' Institutes.....	900 00	
Coroners' Fees.....	1,504 31	
Wolf Bounties.....	164 00	
Soldier's Bounty.....	250 00	
Expenses State Board of Equalization.....	42 40	
		145,624 00
Total.....		\$1,909,507 49

Very respectfully,

WM. B. McCREERY,
State Treasurer.

Treasurer of the State of Michigan in account with the State of Michigan.

		DEBIT.	
1876.			
Sept. 30.	To balance Sept. 30, 1875.....		\$1,229,106 50
	Receipts on account of—		
	General Fund.....		992,541 54
	Primary School Fund.....		63,859 05
	Primary School Interest Fund.....		53,035 76
	Swamp Land Fund.....		47,043 96
	Swamp Land Interest Fund.....		3,893 45
	University Fund.....		5,903 79
	University Interest Fund.....		7,886 88
	Agricultural College Fund.....		5,009 30
	Agricultural College Interest Fund.....		5,576 39
	Normal School Fund.....		1,149 03
	Normal School Interest Fund.....		1,308 97
	Asylum Fund.....		1,733 02
	State Building Fund.....		934 35
	Internal Improvement Fund.....		1,337 15
	St. Mary's Falls Ship Canal Fund.....		14,636 05
	Specific taxes.....		537,565 59
	Dewey Asset Lands.....		2,711 09
	Escheat Lands.....		1,233 73
	Sundry Deposits Account.....		2,918 55
			<u>\$2,975,512 79</u>

Ledger Balances.

		DEBIT.	
1876.			
Sept. 30.	Cash Account.....		\$1,054,005 30
	Internal Improvement Fund.....		2,405,555 00
	Sinking Fund.....		1,854,289 49
	Dewey Asset Lands.....		11,505 35
	Hazleton Asset Lands.....		10,611 12
	Suspense Account.....		2,905 35

\$4,348,361 58

Treasurer of the State of Michigan in account with the State of Michigan.

CREDIT.

1878.			
Sept. 30.	By paid Auditor General's warrants on account of—		
	General Fund.....	\$985,066	90
	Primary School Fund.....	2,440	00
	Primary School Interest Fund.....	224,789	88
	Swamp Land Fund.....	37,637	12
	Swamp Land Interest Fund.....	909	16
	University Interest Fund.....	88,397	84
	Agricultural College Fund.....	850	00
	Agricultural College Interest Fund.....	18,988	82
	Normal School Interest Fund.....	17,087	29
	Asylum Fund.....	172,081	60
	State Building Fund.....	226,344	62
	Internal Improvement Fund.....	123	17
	War Fund.....	25,590	00
	Sinking Fund.....	55,040	11
	St. Mary's Falls Ship Canal Fund.....	19,145	28
	Military Fund.....	44,612	60
	Soldiers' Aid Fund.....	4,000	00
	University Aid Fund.....	31,500	00
	Sundry Deposits Account.....	7,171	63
	Balance.....	1,064,006	30
		<u>\$2,973,519</u>	<u>79</u>

Ledger Balances.

CREDIT.

1878.			
Sept. 30.	General Fund.....	\$928,265	09
	Primary School Fund.....	2,369,222	01
	Primary School Interest Fund.....	80,457	31
	Primary School Five Per Cent Fund.....	299,676	69
	Swamp Land Fund.....	196,110	72
	Swamp Land Interest Fund.....	124,767	78
	University Fund.....	344,865	78
	University Interest Fund.....	05	05
	Agricultural College Interest Fund.....	118,827	68
	Normal School Fund.....	53,301	82
	Normal School Interest Fund.....	14,301	15
	Asylum Fund.....	116,608	85
	State Building Fund.....	195,147	22
	War Fund.....	13,083	39
	St. Mary's Falls Ship Canal Fund.....	54,611	54
	Military Fund.....	27,111	78
	Treasury Notes.....	780	00
	University Aid Fund.....	7,875	00
	Sundry Deposits Account.....	3,408	32
		<u>\$4,848,261</u>	<u>59</u>

General Fund.

DEBIT.

1876.				
Sept. 30.	To paid Coupons.....			\$69,139 30
	" Counties.....			294,366 50
	" Appropriations.....			277,653 00
	" Salaries.....			180,223 00
	" Awards Board of State Auditors.....			106,285 01
	" Redemptions—taxes.....			45,354 06
	" War claim expenses.....			2,833 00
	" Advertising tax sales.....			24,980 40
	" Conducting tax sales.....			7,754 06
	" Sundry expenses.....			5,927 53
	amount transferred to Normal School Int. Fund.....			17,300 00
	" " Asylum Fund.....			183,556 77
	" " State Building Fund.....			190,197 90
	" " University Aid Fund.....			31,500 00
	" " Military Fund.....			3,710 00
	" " Sinking Fund.....			11,850 85
	balance.....			928,265 00

\$2,340,741 30
Primary School Fund.

DEBIT.

1876.				
Sept. 30.	To refunded on lands.....			\$2,440 00
	balance.....			2,269,289 01

\$2,261,793 01
Primary School Interest Fund.

DEBIT.

1876.				
Sept. 30.	To paid Apportionments to Counties.....			\$223,969 00
	" Supervisors' Appraisals.....			495 72
	" Advertising Forfeited Land Sales.....			234 79
	" Excess of Interest.....			100 85
	" balance.....			80,457 31

\$305,257 17

General Fund.

CREDIT.

1876.			
Sept. 30.	By balance Sept. 30, 1875	.....	\$1,369,695 33
	Cash for Taxes from Auditor General's office	.....	390,005 96
	" " " Land Office	.....	6,887 83
	" " Salt Spring Land Interest	.....	841 06
	" from Counties	.....	592,847 32
	" Interest on Surplus Funds	.....	44,322 75
	" " Specific Taxes	.....	30,998 02
	" Brewed and Fermented Liquor Tax	.....	400 00
	" Sales of Michigan Reports	.....	5,896 75
	" " Compiled Laws	.....	504 00
	" " Session Laws	.....	153 50
	" " Territorial Laws	.....	10 00
	" " Old Furniture	.....	3 65
	" Fees from Secretary State Office	.....	687 60
	" " Commissioners of Deeds	.....	235 00
	" " Land Office	.....	1,946 35
	" " Auditor General's Office—Plats	.....	119 00
	" " Notaries Public	.....	643 00
	" for Peddlers' Licenses	.....	336 00
	" Refunded by Immigration Commission	.....	1,447 68
	" " Legislature	.....	21 84
	" " State Public School	.....	300 00
	" " Board of State Auditors	.....	1 10
	" " U. S. War Claim	.....	14,294 15
	amount transferred from Specific Taxes	.....	78,504 43
			<u>\$2,840,741 30</u>

Primary School Fund.

CREDIT.

1876.			
Sept. 30.	By balance Sept. 30, 1875	.....	\$2,197,108 63
	cash from purchasers of lands	.....	63,539 66
	" " Escheat Lands	.....	1,222 72
			<u>\$2,261,722 01</u>

Primary School Interest Fund.

CREDIT.

1876.			
Sept. 30.	By balance Sept. 30, 1875	.....	\$79,268 67
	cash for Interest from Purchasers of P. S. Lands	.....	45,595 33
	" " Rents in Lansing	.....	10 00
	" " Trespasses	.....	9,443 43
	" " Interest on Escheat Lands	.....	21 00
	transfer from Specific Taxes, Interest on Primary School Fund	.....	154,067 86
	" " " " " Five Per Ct. Primary Sch'l Fund	.....	14,294 38
			<u>\$305,297 17</u>

Primary School Five Per Cent Fund.

DEBIT.	
1876.	
Sept. 30. To balance.....	\$299,476 59
	<u>\$299,476 59</u>

Swamp Land Fund.

DEBIT.	
1876.	
Sept. 30. To paid Swamp Land Warrants.....	\$34,445 67
" Salaries Swamp Land Road Commissioner and Clerk.....	2,500 00
" Expenses Swamp Land Road Office.....	731 15
" State Swamp Land Board of Control.....	81 89
" Advertising Sales of Land.....	91 00
" Refunding Sales.....	87 59
" transfer to Five Per Cent Primary School Fund.....	6,509 39
" balance.....	196,119 72
	<u>\$240,597 35</u>

Swamp Land Interest Fund.

DEBIT.	
1876.	
Sept. 30. To paid Supervisors' Appraisals.....	\$157 31
" advertising Forfeited Lands.....	38 69
" excess of Interest.....	13 15
balance.....	124,767 78
	<u>\$124,906 93</u>

University Fund.

DEBIT.	
1876.	
Sept. 30. To balance.....	\$344,955 75
	<u>\$344,955 75</u>

University Interest Fund.

DEBIT.	
1876.	
Sept. 30. To paid Treasurer of University of Michigan.....	\$38,871 83
" Supervisors' Appraisals.....	11 79
" advertising Forfeited Lands.....	14 82
balance.....	66
	<u>\$38,897 89</u>

Primary School Five Per Cent Fund.

CREDIT.

1876.		
Sept. 30.	By balance Sept. 30, 1875.....	\$283,167 20
	amount transferred from Swamp Land Fund.....	6,509 39
		<u>\$289,676 59</u>

Swamp Land Fund.

CREDIT.

1876.		
Sept. 30.	By balance Sept. 30, 1875.....	\$192,614 30
	Swamp Land Warrants.....	34,445 67
	Cash for Land.....	12,609 43
	" from Trespassers.....	587 85
		<u>\$240,257 25</u>

Swamp Land Interest Fund.

CREDIT.

1876.		
Sept. 30.	By balance Sept. 30, 1875.....	\$181,574 44
	cash for interest on Lands.....	3,393 48
		<u>\$184,966 92</u>

University Fund.

CREDIT.

1876.		
Sept. 30.	By balance Sept. 30, 1875.....	\$340,852 99
	cash from Purchasers of Lands.....	3,902 79
		<u>\$344,855 78</u>

University Interest Fund.

CREDIT.

1876.		
Sept. 30.	By balance Sept. 30, 1875.....	\$49 75
	cash for interest on Lands.....	7,358 83
	transfer from Specific Taxes, Interest on University Fund.....	80,989 81
		<u>\$38,397 89</u>

Agricultural College Fund.

DEBIT.

1876.			
Sept. 30.	To refunded on Lands.....		\$330 00
	balance		118,827 68
			<u>\$119,217 68</u>

Agricultural College Interest Fund.

DEBIT.

1876.			
Sept. 30.	To paid Treasurer of Agricultural College.....		\$18,817 89
	" Supervisors' Appraisals.....		59 00
	" Advertising Forfeited Lands.....		36 80
	" Excess of Interest.....		74 63
			<u>\$19,986 33</u>

Normal School Fund.

DEBIT.

1876.			
Sept. 30.	To balance.....		\$53,301 23
			<u>\$53,301 23</u>

Normal School Interest Fund.

DEBIT.

1876.			
Sept. 30.	To paid Treasurer Normal School.....		\$17,000 00
	" Supervisors' Appraisals.....		8 60
	" Advertising Forfeited Lands.....		2 44
	" Excess of Interest.....		95 35
	balance		14,201 15
			<u>\$31,298 44</u>

Asylum Fund.

DEBIT.

1876.			
Sept. 30.	To paid Treasurer Insane Asylum, Kalamazoo.....		\$33,550 00
	" " " Pontiac.....		91,033 31
	" " D., D. & B. Asylum, Flint.....		47,476 50
	" Supervisors' Appraisals.....		11 94
	" advertising Forfeited Sales.....		9 35
	balance		116,005 85
			<u>\$288,065 45</u>

Agricultural College Fund.

CREDIT.

1876.		
Sept. 30.	By balance Sept. 30, 1875.....	\$118,278 88
	cash from Purchasers of Lands.....	5,939 30
		<u>\$119,217 68</u>

Agricultural College Interest Fund.

CREDIT.

1876.		
Sept. 30.	By balance Sept. 30, 1875.....	\$1,987 72
	cash for Interest on Lands.....	7,169 54
	" from Trespasses.....	1,706 75
	" transfer from Specific Taxes, Interest on Agricultural College Fund..	8,124 31
		<u>\$18,988 32</u>

Normal School Fund.

CREDIT.

1876.		
Sept. 30.	By balance Sept. 30, 1875.....	\$52,151 64
	cash from Purchasers of Land.....	1,149 68
		<u>\$53,301 32</u>

Normal School Interest Fund.

CREDIT.

1876.		
Sept. 30.	By balance Sept. 30, 1875.....	\$9,572 93
	cash for Interest on Lands.....	1,202 97
	transfer from General Fund.....	17,300 00
	" " Specific Taxes, Interest on Normal School Fund.....	3,162 54
		<u>\$31,238 44</u>

Asylum Fund.

CREDIT.

1876.		
Sept. 30.	By balance Sept. 30, 1875.....	\$128,133 66
	cash for Principal and Interest on Lands.....	1,723 02
	transfer from General Fund.....	168,928 77
		<u>\$298,885 45</u>

State Building Fund.

DEBIT.

1876.			
Sept. 30.	To paid Contractors State Capitol.....		\$184,380 02
	" " for Steam Heating.....		27,269 72
	" Architect's Salary.....		4,000 00
	" Secretary's ".....		1,800 00
	" Ass't Superintendent's Salary.....		1,800 00
	" Commissioner's Expenses.....		1,185 66
	" Incidentals.....		5,725 98
	" Supervisors' Appraisals.....		36
	" advertising Forfeited Lands.....		1 90
	balance.....		196,147 23
			<u>\$420,491 84</u>

Internal Improvement Fund.

DEBIT.

1876.			
Sept. 30.	To balance Sept. 30, 1875.....		\$2,406,789 01
	paid expenses of suit for collecting 5 per cent sales of land from U. S.		153 17
			<u>\$2,406,942 18</u>

University Aid Fund.

DEBIT.

1876.			
Sept. 30.	To paid Treasurer University.....		\$31,500 00
	balance.....		7,875 00
			<u>\$39,375 00</u>

Soldiers' Aid Fund.

DEBIT.

1876.			
Sept. 30.	To paid Treasurer Soldiers' Aid.....		\$4,000 00

War Fund.

DEBIT.

1876.			
Sept. 30.	To paid Coupons.....		\$25,370 00
	" Soldiers' Bounty.....		250 00
	balance.....		13,033 39
			<u>\$38,653 39</u>

Military Fund.

DEBIT.

1876.			
Sept. 30.	To paid Quartermaster General's Estimates.....		\$42,379 24
	" Salaries of Military Officers.....		2,233 36
	transfer to Soldier's Aid Fund.....		4,000 00
	balance.....		27,111 78
			<u>\$75,724 38</u>

State Building Fund.

CREDIT.

1876.			
Sept. 30.	By balance Sept. 30, 1875.....	\$220,489	58
	cash principal and Interest on Lands.....	652	88
	" for rent of Lansing Lot.....	150	00
	" " sale of Grass.....	1	50
	transfer from General Fund.....	199,197	90

 \$420,491 84
Internal Improvement Fund.

CREDIT.

1876.			
Sept. 30.	By cash from U. S. for 5 per cent sales of land.....	\$1,827	18
	balance.....	2,406,595	00
		<u>\$2,408,422</u>	<u>18</u>

University Aid Fund.

CREDIT.

1876.			
Sept. 30.	By balance Sept. 30, 1875.....	\$7,875	00
	transfer from General Fund.....	81,500	00
		<u>\$89,375</u>	<u>00</u>

Soldiers' Aid Fund.

CREDIT.

1876.			
Sept. 30.	By transfer from Military Fund.....	\$4,000	00

War Fund.

CREDIT.

1876.			
Sept. 30.	By balance Sept. 30, 1875.....	\$12,563	39
	transfer from Specific Taxes.....	24,990	00
		<u>\$37,553</u>	<u>39</u>

Military Fund.

CREDIT.

1876.			
Sept. 30.	By balance Sept. 30, 1875.....	\$72,014	29
	transfer from General Fund.....	3,710	09

 \$75,724 38

St. Mary's Falls Ship Canal Fund.

DEBIT.

1876.			
Sept. 30.	To paid Coupons.....		\$2,700 00
	" Superintendent's salary.....		1,625 00
	" repairs and expenses.....		14,700 26
	balance.....		54,611 54
			<u>\$73,756 80</u>

Specific Taxes.

DEBIT.

1876.			
Sept. 30.	To Primary School Interest Fund.....	\$170,881 74	
	University Interest Fund.....	30,989 81	
	Agricultural College Interest Fund.....	8,124 31	
	Normal School Interest Fund.....	3,162 34	
	General Fund.....	78,504 43	
	War Fund.....	24,990 00	
	Sinking Fund.....	210,912 76	
			<u>\$527,565 39</u>

Sinking Fund.

DEBIT.

1876.			
Sept. 30.	To balance Sept. 30, 1875.....	\$1,521,992 00	
	paid Renewal Bonds.....	3,000 00	
	Two-Million Loan Bonds.....	49,000 00	
	War Loan Bonds.....	1,000 00	
	Premium on Bonds.....	2,040 11	
		<u>\$1,576,992 71</u>	

Sundry Deposits Account.

DEBIT.

1876.			
Sept. 30.	To paid Primary School Deposit Account.....	\$3,539 86	
	" Primary School Interest Deposit Account.....	165 31	
	" Swamp Land Deposit Account.....	249 00	
	" Swamp Land Interest Deposit Account.....	52 34	
	" University Deposit Account.....	373 00	
	" University Interest Deposit Account.....	3 88	
	" State Building Deposit Account.....	1,087 86	
	" State Building Interest Deposit Account.....	68 56	
	" Grand Rapids & Indiana R. R. Deposit Account.....	1,610 82	
	balance.....	3,408 33	
		<u>\$10,574 96</u>	

St. Mary's Falls Ship Canal Fund.

CREDIT.

1878.			
Sept. 30.	By balance Sept. 30, 1875.....		\$39,088 77
	cash for Tolls.....		14,668 08
			<u>\$73,756 80</u>

Specific Taxes.

CREDIT.

1878.			
Sept. 30.	By cash from Railroad Companies.....		\$397,804 81
	" " Street Railway Companies.....		1,602 71
	" " Car Companies.....		5,030 08
	" " Fire Insurance Companies.....		67,394 81
	" " Life Insurance Companies.....		28,590 94
	" " Mining—U. P. Companies.....		20,041 83
	" " Mining—L. P. Companies.....		157 68
	" " Telegraph Companies.....		2,324 19
	" " Express Companies.....		1,485 96
	" " Plank-road Companies.....		35 45
	" " River Improvement Companies.....		1,097 12
			<u>\$527,565 59</u>

Sinking Fund.

CREDIT.

1878.			
Sept. 30.	By transfer from Specific Taxes.....		\$310,912 76
	" " General Fund.....		11,850 55
	balance.....		1,354,299 40
			<u>\$1,576,962 71</u>

Sundry Deposits Account.

CREDIT.

1878.			
Sept. 30.	By balance Sept. 30, 1875.....		\$6,656 41
	cash from Primary School Deposit Account.....		2,060 38
	" " Primary School Interest Deposit Account.....		169 42
	" " Swamp Land Deposit Account.....		107 50
	" " University Deposit Account.....		373 00
	" " University Interest Deposit Account.....		3 88
	" " State Building Deposit Account.....		1,135 86
	" " State Building Interest Deposit Account.....		68 56
			<u>\$10,574 98</u>

Dewey Asset Lands.

DEBIT.

1876.			
Sept. 30.	To balance Sept. 30, 1875.....		\$14,216 47
			<u>\$14,216 47</u>

Hazellon Asset Lands.

DEBIT.

1876.			
Sept. 30.	To balance Sept. 30, 1875.		\$10,611 12
			<u>\$10,611 12</u>

Escheat Lands.

DEBIT.

1876.			
Sept. 30.	To transfer to Primary School Fund.....		\$1,223 72
			<u>\$1,223 72</u>

Suspense Account.

DEBIT.

1876.			
Sept. 30.	To balance Sept. 30, 1875.....		\$2,305 28
			<u>\$2,305 28</u>

Treasury Notes.

DEBIT.

1876.			
Sept. 30.	To balance		\$730 00
			<u>\$730 00</u>

Dewey Asset Lands.

CREDIT.

1876.			
Sept. 30.	By cash for Lands.....		\$2,711 09
	balance		11,505 88
			<u>\$14,216 47</u>

Hazelon Asset Lands.

CREDIT.

1876.			
Sept. 30.	By balance.....		<u>\$10,611 12</u>

Escheat Lands.

CREDIT.

1876.			
Sept. 30.	By cash for Lands.....		<u>\$1,223 72</u>

Suspense Account.

CREDIT.

1876.			
Sept. 30.	By balance		<u>\$2,805 38</u>

Treasury Notes.

CREDIT.

1876.			
Sept. 30.	By balance Sept. 30, 1875.....		<u>\$750</u>

MICHIGAN STATE BANKS.

The following Tables show the Condition of the various State Banks doing business in Michigan, as reported to the State Treasurer in the first week of July.

STATE BANKS—RESOURCES.

NAME OF BANK.	Location.	Loans and Discounts.	Bonds.	Cash.	Real Estate and Fixtures.	Due from Banks.	Expenses.	Overdrafts.	Total.
Bay City Bank.....	Bay City.....	\$148,816 14		\$22,153 66	\$0,086 49	\$18,546 31	---	\$1,840 63	\$200,743 23
Citizens' Bank.....	Marquette.....	243,765 41		18,017 68	1,860 00	15,869 92	---	948 77	283,481 78
City Bank.....	Battle Creek.....	176,255 38		21,374 03	2,800 00	20,038 64	---	9,625 12	223,083 15
Exchange Bank.....	Big Rapids.....	44,292 40		3,060 46	12,447 77	3,037 64	---	5,254 54	71,437 67
German American Bank.....	Detroit.....	307,318 09	64,102 48	99,133 80	2,000 00	66,918 38	\$3,384 86	---	542,837 80
Jackson City Bank.....	Jackson.....	293,496 10		50,049 31	10,000 00	17,811 96	3,315 06	---	380,549 83
Jackson County Bank.....	Jackson.....	40,597 24		9,809 97	1,260 00	692 98	---	9,192 47	56,140 72
Lumberman's State Bank.....	Wenona.....	71,321 62		9,714 63	2,000 00	4,240 64	2,960 53	---	87,324 14
Mechanics' Bank.....	Whitehall.....	89,575 74		15,036 48	10,160 00	15,854 28	---	47 25	130,416 48
Merchants and Miners' Bank.....	Detroit.....	411,453 60	37,542 66	27,138 94	637 88	66,041 96	9,260 97	---	541,969 01
Merchants and Manufacturers' Bank.....	Calumet.....	73,701 72		30,808 72	4,964 69	25,318 26	---	38 14	134,869 66
People's Bank.....	Detroit.....	441,454 16		51,967 83	4,325 53	92,965 43	---	5,668 06	586,361 03
State Bank.....	Mancheater.....	67,647 07		5,833 19	9,561 24	12,073 13	177 13	665 94	90,937 70
State Bank.....	Bay City.....	231,866 49		21,423 14	2,337 50	49,565 63	1,113 22	1,150 00	307,435 86
State Bank.....	Fenton.....	63,923 69		7,293 47	2,166 92	11,252 17	---	180 92	84,767 17
Totals.....		\$2,704,374 83	\$104,645 14	\$392,633 29	\$75,508 04	\$410,227 35	\$20,246 76	\$28,559 84	\$3,736,415 25

STATE BANKS—LIABILITIES.

NAME OF BANK.	Location.	Capital.	Surplus.	Due Banks and Depositors.	Profit and Loss.	Total.
Bay City Bank.....	Bay City.....	\$100,000 00	\$3,000 00	\$93,965 60	\$3,777 63	\$200,743 23
Citizens' Bank.....	Marquette.....	180,000 00	32,250 00	110,862 54	7,849 24	283,481 78
City Bank.....	Battle Creek.....	50,000 00	32,586 22	147,486 53	---	223,083 15
Exchange Bank.....	Big Rapids.....	50,000 00	---	21,636 89	---	71,437 67
German American Bank.....	Detroit.....	100,000 00	---	430,082 15	12,735 65	542,837 80
Jackson City Bank.....	Jackson.....	100,000 00	50,000 00	211,867 01	18,682 52	380,549 83
Jackson County Bank.....	Jackson.....	15,000 00	---	34,971 27	5,163 45	56,140 72
Lumberman's State Bank.....	Wenona.....	50,000 00	2,860 00	34,971 27	232 14	87,324 14
Mechanics' Bank.....	Whitehall.....	50,000 00	---	34,971 27	---	130,416 48
Merchants and Miners' Bank.....	Detroit.....	100,000 00	19,560 00	75,445 99	10,177 49	541,969 01
Merchants and Manufacturers' Bank.....	Calumet.....	50,000 00	3,000 00	41,110 96	2,929 83	134,869 66
People's Bank.....	Detroit.....	295,000 00	---	280,023 22	21,337 81	586,361 03
State Bank.....	Mancheater.....	50,000 00	---	44,172 21	1,764 48	101,431 70
State Bank.....	Bay City.....	150,000 00	13,000 00	124,527 81	19,708 78	307,435 86
State Bank.....	Fenton.....	50,000 00	2,760 00	31,866 07	208 10	84,767 17
Totals.....		\$1,846,000 78	\$134,906 22	\$2,160,793 81	\$106,795 44	\$3,736,415 25

MICHIGAN SAVINGS BANKS.

The following Table shows the Condition of the various Savings Banks doing business in this State, as reported to the State Treasurer on Oct. 2d, 1876, in accordance with the General Banking Law.

SAVINGS BANKS—RESOURCES.

NAME OF BANK.	Location.	Loans and Discounts.	Bonds and Mortgages.	Cash and Cash Items.	Real Estate and Fixtures.	Due from Banks.	Expenses.	Overdrafts.	Total.
Ann Arbor Savings Bank.....	Ann Arbor.....	\$155,041 63	-----	\$16,810 51	\$4,123 71	\$17,774 38	\$842 04	\$708 99	\$195,381 26
Adrian Savings Bank.....	Adrian.....	10,456 13	-----	516 68	293 30	2,708 49	303 06	6 50	14,284 19
Central Michigan Savings Bank.....	Lansing.....	40,286 85	-----	4,640 14	101 86	8,419 43	622 43	272 46	49,183 27
Detroit Savings Bank.....	Detroit.....	1,037,268 07	-----	95,244 70	23,773 56	120,226 78	9,753 64	71 85	1,704,681 54
Genesee County Savings Bank.....	Flint.....	86,384 63	\$418,263 94	8,018 16	835 58	4,005 10	923 79	-----	147,628 53
Grand Rapids Savings Bank.....	Grand Rapids.....	11,854 41	47,301 26	22,577 62	6,961 04	6,189 63	5,323 48	138 25	228,087 07
Lenawee County Savings Bank.....	Adrian.....	216,494 30	14,973 44	18,600 65	2,108 00	31,898 44	3,624 45	-----	293,143 84
Port Huron Savings Bank.....	Port Huron.....	209,678 44	21,880 38	23,692 23	1,065 22	23,509 83	4,541 61	-----	288,076 71
People's Savings Bank.....	Detroit.....	1,138,700 69	105,817 83	55,044 81	8,733 12	184,966 09	18,661 63	2,022 97	1,513,846 14
Wayne County Savings Bank.....	Detroit.....	1,317,122 10	-----	292,553 07	89,834 36	-----	22,291 95	-----	1,711,801 43
Wyandotte Savings Bank.....	Wyandotte.....	55,180 41	-----	7,389 03	6,938 20	16,834 11	627 61	-----	86,979 36
Totals.....		\$4,377,367 66	(\$684,908 85	\$534,967 80	\$144,767 05	\$410,679 28	\$67,415 72	\$3,281 02	\$6,282,902 38

SAVINGS BANKS—LIABILITIES.

NAME OF BANK.	Location.	Capital.	Surplus.	Due Banks.	Due Depositors.	Profit and Loss.	Total.
Ann Arbor Savings Bank.....	Ann Arbor.....	\$60,000 00	-----	-----	\$141,295 16	\$4,086 10	\$195,381 26
Adrian Savings Bank.....	Adrian.....	5,000 00	-----	-----	9,284 19	-----	14,284 19
Central Michigan Savings Bank.....	Lansing.....	25,000 00	-----	-----	24,005 76	187 51	49,183 27
Detroit Savings Bank.....	Detroit.....	500,000 00	\$97,331 34	\$32,656 68	1,368,773 67	6,620 56	1,704,681 54
Genesee County Savings Bank.....	Flint.....	50,000 00	2,000 00	-----	83,313 96	2,214 46	288,087 07
Grand Rapids Savings Bank.....	Grand Rapids.....	100,000 00	-----	-----	121,686 87	9,323 52	293,143 84
Lenawee County Savings Bank.....	Adrian.....	60,000 00	-----	157 50	22,470 31	10,448 56	98,076 71
Port Huron Savings Bank.....	Port Huron.....	100,000 00	10,000 00	3,302 78	1,347,363 05	35,181 31	1,513,846 14
People's Savings Bank.....	Detroit.....	125,000 00	-----	-----	1,499,843 09	43,440 39	1,711,801 43
Wayne County Savings Bank.....	Detroit.....	125,000 00	-----	-----	33,830 94	3,048 42	86,979 36
Wyandotte Savings Bank.....	Wyandotte.....	50,000 00	-----	-----	-----	-----	-----
Totals.....		\$883,510 00	\$109,331 34	\$41,966 96	\$5,078,759 35	\$119,305 73	\$6,282,902 38

REPORT of the condition of the State Bank at Bay City, Michigan, at the close of business July 3d, A. D. 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$231,836 40
Overdrafts.....	1,150 00
Cash Items.....	577 64
Due from Banks and Bankers.....	49,555 62
Revenue Stamps.....	294 40
Furniture and Fixtures.....	2,537 50
Fractional Currency and Coin.....	300 50
Expenses.....	1,115 23
Legal Tender and Bank Notes.....	20,351 00
	<u>\$307,435 96</u>

LIABILITIES.

Capital.....	\$150,000 00
Surplus.....	15,000 00
Due other Banks.....	1,461 21
Due Depositors.....	128,265 04
Profit and Loss.....	10,708 73
	<u>\$307,435 96</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
ORRIN BUMP, Cashier.

Subscribed and sworn to before me this 5th day of July, 1876.

W. D. MARSH, Notary Public.

REPORT of the condition of the State Bank at Fenton, Michigan, at the close of business Monday, July 3d, A. D. 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$63,923 69
Overdrafts.....	150 22
Cash Items.....	806 96
Due from Banks and Bankers.....	11,252 17
Revenue Stamps.....	7 04
Furniture and Fixtures.....	2,165 22
Fractional Currency and Specie.....	265 55
Legal Tender and Bank Notes.....	6,096 00
	<u>\$84,767 17</u>

LIABILITIES.

Capital.....	\$50,000 00
Surplus.....	2,750 00
Due other Banks, Rediscounts.....	400 00
Due Depositors.....	31,408 07
Profit and Loss.....	208 10
	<u>\$84,767 17</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
EDWIN TRUMP, Cashier.

Subscribed and sworn to before me, this 3d day of July, 1876.

W. P. GUEST, Notary Public.

REPORT of the condition of the People's Bank at Manchester, Michigan, at the close of business July 3d, A. D. 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$87,647 07
Overdrafts.....	685 94
Cash Items.....	220 00
Due from Banks and Bankers.....	12,078 13
Real Estate.....	8,619 74
Revenue Stamps.....	5 40
Furniture and Fixtures.....	941 50
Fractional Currency.....	275 79
Expenses.....	177 13
Legal Tender and Bank Notes.....	5,533 00
	<u>\$95,957 70</u>

LIABILITIES.

Capital.....	\$50,000 00
Due Depositors.....	44,173 31
Profit and Loss.....	1,784 49
	<u>\$95,957 70</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

S. W. CLARKSON, *Cashier.*

Subscribed and sworn to before me, this 18th day of July, 1876.

J. D. VAN DUYN, *Notary Public.*

REPORT of the condition of the Merchants' and Miners' Bank at Calumet, Michigan, at the close of business June 30th, A. D. 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$73,701 73
Overdrafts.....	36 14
Cash Items.....	814 04
Due from Banks and Bankers.....	25,318 39
Real Estate (including Safe).....	4,455 14
Revenue Stamps.....	64 64
Furniture and Fixtures.....	489 55
Fractional Currency.....	448 04
Legal Tender and Bank Notes.....	29,533 00
Stock subscription payable on call.....	15,000 00
	<u>\$149,869 56</u>

LIABILITIES.

Capital.....	\$50,000 00
Surplus.....	3,000 00
Due other Banks.....	177 96
Due Depositors.....	93,369 77
Profit and Loss.....	2,928 83
	<u>\$149,869 56</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

HENEY S. COLTON, *Cashier.*

Subscribed and sworn to before me, this tenth day of July, 1876.

FRED MACKENZIE, *Notary Public,*
Houghton Co., Mich.

REPORT of the condition of the Merchants' and Manufacturers' Bank at Detroit, Michigan, at the close of business July 3d, A. D. 1876, made in accordance with Sections 18, 19 and 67 of the General Banking Laws as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$441,454 16
Overdrafts.....	5,683 86
Cash Items.....	9,643 65
Due from Banks and Bankers.....	92,955 43
Revenue Stamps.....	446 64
Furniture and Fixtures.....	4,325 55
Fractional Currency.....	1,578 54
Legal Tender and Bank Notes.....	40,239 00
	<u>\$596,361 03</u>

LIABILITIES.

Capital.....	\$295,000 00
Due other Banks.....	100,823 00
Due Depositors.....	179,140 22
Profit and Loss.....	21,337 81
	<u>\$596,361 03</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

F. W. HAYES, *Cashier.*

Subscribed and sworn to before me, this 12th day of July, 1876.

SAM'L S. GORDON, *Notary Public.*

REPORT of the condition of the Mechanics' Bank at Detroit, Michigan, at the close of business July 1st, A. D. 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$410,814 86
Cash Items.....	4,551 29
Due from Banks and Bankers.....	56,041 96
Real Estate.....	537 88
Revenue Stamps.....	122 31
Expenses.....	9,295 97
Legal Tender and Bank Notes.....	21,042 80
Bonds, City and School District.....	37,542 66
Premiums.....	638 74
Bills in Transit.....	1,420 54
	<u>\$541,989 01</u>

LIABILITIES.

Capital.....	\$100,000 00
Surplus.....	19,500 00
Due Depositors.....	411,919 95
Profit and Loss.....	10,579 06
	<u>\$541,989 01</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

E. H. BUTLER, *Cashier.*

Subscribed and sworn to before me, this third day of July, 1876.

PETER J. SCHULTE, *Notary Public.*

REPORT of the condition of the Lumberman's State Bank at Whitehall, Michigan, at the close of business July 3d, 1876, made in accordance with Sections 18, 19 and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$89,575 74
Due from Banks and Bankers.....	15,664 82
Real Estate and Banking House.....	8,280 00
Furniture and Fixtures.....	1,900 00
Fractional Currency.....	199 00
Legal Tender and Bank Notes.....	14,798 00
Coin.....	111 48
	<u>\$180,416 48</u>

LIABILITIES.	
Capital.....	\$50,000 00
Due Depositors.....	56,648 99
Profit and Loss.....	747 48
Interest and Exchange.....	90 03
Bills Re-discounted.....	23,000 00
	<u>\$180,416 48</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
F. BLACKMAN, *Cashier*.

Subscribed and sworn to before me, this 7th day of July, 1876.

FRANK E. HAMMOND, *Notary Public*
in and for Muskegon Co., Mich.

REPORT of the condition of the Lumberman's State Bank at Wenona, Michigan, at the close of business July 3d, A. D. 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$71,821 62
Overdrafts.....	47 25
Cash Items.....	3,825 00
Due from Banks and Bankers.....	4,240 64
Furniture and Fixtures.....	2,000 00
Legal Tender and Bank Notes.....	5,889 63
	<u>\$87,824 14</u>

LIABILITIES.	
Capital.....	\$50,000 00
Surplus.....	2,880 00
Due other Banks.....	6,048 24
Due Depositors.....	26,133 68
Profit and Loss.....	293 14
	<u>\$87,824 14</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

HENRY H. NORRINGTON, *Cashier*.

Subscribed and sworn to before me, this sixth day of July, 1876.

FRANK W. WARING, *Notary Public*.

REPORT of the condition of the Jackson County Bank at Jackson, Michigan, at the close of business Monday, July 3d, A. D. 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$40,827 24
Stock Subscription.....	35,000 00
Due from Banks and Bankers.....	522 26
Furniture and Fixtures.....	1,250 00
Expenses.....	2,500 53
Legal Tender, Bank Notes, and Cash Items.....	9,809 97
	<u>\$90,140 72</u>

LIABILITIES.	
Capital.....	\$50,000 00
Due Depositors.....	34,977 27
Profit and Loss.....	5,163 45
	<u>\$90,140 72</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 Subscribed and sworn to before me, this eighth day of July, 1876. HENRY V. FERRIN, *Cashier.*
JAMES O'DONNELL, *Notary Public.*

REPORT of the condition of the Jackson City Bank of Jackson, Michigan, Monday, July 3d, 1876, made in accordance with Sections 18, 19 and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$293,378 46
Overdrafts.....	9,192 47
Cash Items.....	914 67
Due from Banks.....	16,734 09
Checks on Other Banks.....	1,077 86
Revenue Stamps.....	186 16
Premiums Paid.....	117 64
Banking House, Safe, and Fixtures.....	10,000 00
Legal Tenders, Bank Notes, and Fractional Currency.....	48,450 00
Coin.....	476 45
	<u>\$380,549 83</u>

LIABILITIES.	
Capital.....	\$100,000 00
Surplus.....	50,000 00
Due Banks.....	1,584 87
Due Depositors.....	210,273 14
Profit and Loss.....	18,688 83
	<u>\$380,549 83</u>

I, William D. Thompson, President of the Jackson City Bank, Jackson, Michigan, do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 Subscribed and sworn to before me, this 7th day of July, 1876. WM. D. THOMPSON, *President.*
GILBERT R. BYRNE, *Notary Public.*

REPORT of the condition of the German American Bank at Detroit, Michigan, at the close of business July 3d, A. D. 1876, made in accordance with the General Banking Law of Michigan.

RESOURCES.

Loans and Discounts.....	\$307,318 09
Due from Banks and Bankers	66,918 38
Revenue Stamps.....	258 07
Furniture and Fixtures.....	2,060 00
Expenses.....	3,315 05
Public Bonds.....	64,103 48
Cash on hand	98,876 73
	<u>\$542,887 80</u>

LIABILITIES.

Capital.....	\$100,000 00
Due Depositors.....	480,093 15
Profit and Loss, etc.....	12,786 65
	<u>\$542,887 80</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

H. L. KANTER, *Cashier.*

Subscribed and sworn to before me, this sixth day of July, 1876.

J. B. PADBERG, *Notary Public.*

REPORT of the condition of the Exchange Bank at Big Rapids, Michigan, at the close of business July 3d, 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law of the State, as amended.

RESOURCES.

Loans and Discounts.....	\$89,803 28
Overdrafts.....	5,254 54
Cash and Items.....	2,929 26
Due from Banks and Bankers.....	3,027 64
Real Estate.....	11,983 71
Furniture and Fixtures.....	514 06
Revenue Stamps.....	181 20
Expenses.....	3,324 86
Profit and Loss.....	4,669 14
	<u>\$71,487 67</u>

LIABILITIES.

Capital.....	\$50,000 00
Due other Banks.....	4,706 95
Due Depositors.....	12,829 94
Bills Re-discounted.....	4,400 00
	<u>\$71,487 67</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

S. BRONSON, *President.*

Subscribed and sworn to before me, this 14th day of July, 1876.

W. SANFORD WHITTESEY, *Notary Public,*
Mecosta Co., Mich.

REPORT of the condition of the City Bank of Battle Creek at Battle Creek, Michigan, at the close of business July 31, A. D. 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts	\$175,255 36
Overdrafts.....	3,625 12
Cash Items.....	717 79
Due from Banks and Bankers.....	20,038 64
Furniture and Fixtures.....	2,800 00
Fractional Currency.....	66 24
Legal Tender and Bank Notes.....	20,590 00
	<u>\$223,093 15</u>

LIABILITIES.

Capital.....	\$50,000 00
Surplus.....	25,596 27
Due Depositors.....	139,996 82
Dividend Account.....	7,500 00
	<u>\$223,093 15</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 N. ELDEED, *President*.
 Subscribed and sworn to before me, this 7th day of July, 1876.
 BRAINARD T. SKINNER, *Notary Public*.

REPORT of the condition of the Citizens' Bank at Marquette, Michigan, at the close of business Monday, July 3d, 1876, made in accordance with Sections 18, 19 and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$243,765 41
Overdrafts.....	948 77
Cash Items.....	546 24
Due from Banks and Bankers.....	15,869 93
Furniture and Fixtures.....	1,860 00
Fractional Currency.....	892 80
Legal Tender and Bank Notes.....	16,373 00
Specie.....	205 64
Stock and Bond Account.....	3,000 00
	<u>\$283,481 78</u>

LIABILITIES.

Capital.....	\$150,000 00
Surplus.....	15,250 00
Due other Banks.....	369 43
Due Depositors.....	109,413 12
Profit and Loss.....	7,849 24
	<u>\$283,481 78</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 J. M. WILKINSON, *Cashier*.
 Subscribed and sworn to before me, this 6th day of July, 1876.
 FRED. M. STEELE, *Notary Public*
 in and for Marquette County.

REPORT of the condition of the Bay City Bank at Bay City, Michigan, at the close of business Monday, July 3d, A. D. 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$148,816 14
Overdrafts.....	1,840 63
Cash Items.....	1,690 61
Due from Banks and Bankers.....	18,846 31
Real Estate.....	6,574 64
Revenue Stamps.....	103 62
Furniture and Fixtures.....	2,511 85
Fractional Currency.....	227 43
Legal Tender and Bank Notes.....	20,166 00
	<u>\$200,743 23</u>

LIABILITIES.

Capital.....	\$100,000 00
Surplus.....	3,000 00
Due other Banks.....	1,201 88
Due Depositors.....	92,768 72
Profit and Loss.....	8,777 63
	<u>\$200,743 23</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

GEO. H. YOUNG, *Cashier*.

Subscribed and sworn to before me, this 5th day of July, 1876.

WILLIAM A. YOUNG, *Notary Public*.

REPORT of the condition of the Adrian Savings Bank at the city of Adrian, Michigan, at the close of business October 2d, A. D. 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$10,456 13
Overdrafts.....	6 50
Interest Account.....	54 89
Due from Banks and Bankers.....	2,708 49
Unpaid Stock.....	5,000 00
Revenue Stamps, Coin, Nickel, and Cents.....	22 60
Furniture and Fixtures.....	283 30
Fractional Currency.....	5 10
Expenses.....	303 09
Legal Tender and Bank Notes.....	434 00
	<u>\$19,284 19</u>

LIABILITIES.

Capital Subscribed.....	\$10,000 00
Due Depositors.....	9,284 19
	<u>\$19,284 19</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

HEMAN LOOMIS, *Treasurer*.

Subscribed and sworn to before me, this third day of October, 1876.

DWIGHT A. WHITNEY, *Notary Public*.

REPORT of the condition of the Ann Arbor Savings Bank at Ann Arbor, Michigan, at the close of business Monday, October 2d, A. D. 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts	\$155,041 63
Overdrafts	768 99
Premium Funds	444 26
Due from Banks and Bankers	17,432 85
Real Estate	1,425 87
Revenue Stamps	16 66
Furniture and Fixtures	2,687 04
Fractional Currency	504 39
Expenses	842 04
Legal Tender and Bank Notes	15,755 00
Bills in Transit	350 80
	<u>\$195,361 26</u>

LIABILITIES.

Capital	\$50,000 00
Surplus, Dividends unpaid	263 00
Due Depositors	140,408 16
Profit and Loss	578 38
Interest and Exchange	2,516 72
	<u>\$195,361 26</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

Subscribed and sworn to before me, this fourth day of October, 1876.

CHAS. E. HISCOCK, *Cashier.*

A. W. HAMILTON, *Notary Public.*

REPORT of the condition of the Central Michigan Savings Bank at Lansing, Michigan, at the close of business October 2d, A. D. 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts	\$40,236 85
Overdrafts	272 46
Cash Items	1,318 80
Due from Banks and Bankers	3,719 43
Furniture and Fixtures	101 96
Fractional Currency and Specie	166 35
Expenses	622 43
Legal Tender and Bank Notes	2,055 29
	<u>\$49,193 27</u>

LIABILITIES.

Capital	\$25,000 00
Due Depositors	24,008 76
Profit and Loss	187 51
	<u>\$49,193 27</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

Subscribed and sworn to before me, this 11th day of October, 1876.

D. F. WOODCOCK, *Cashier.*

A. J. BASSLER, *Notary Public.*

REPORT of the condition of the Detroit Savings Bank at Detroit, Michigan, at the close of business October 2d, A. D. 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$1,087,298 07
Overdrafts.....	71 85
Cash Items.....	885 00
Due from Banks and Bankers.....	120,226 75
Real Estate.....	18,241 52
Revenue Stamps.....	1,523 08
Furniture and Fixtures.....	5,531 04
Fractional Currency, Silver, and Cents.....	4,335 98
Expenses.....	9,768 84
Legal Tender and Bank Notes.....	89,001 09
Bonds—	
United States and Premium.....	\$155,180 86
Detroit City.....	170,625 58
Wayne County.....	33,800 00
Other Local Bonds.....	68,987 50
	<u>419,293 94</u>
	<u>\$1,704,661 54</u>

LIABILITIES.

Capital.....	\$200,000 00
Surplus.....	97,331 34
Due other Banks.....	32,535 69
Due Depositors.....	1,368,778 57
Profit and Loss.....	6,030 95
	<u>\$1,704,761 54</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

A. H. ADAMS, *Cashier.*

Subscribed and sworn to before me, this tenth day of October, 1876.

M. F. DOW, *Notary Public,*
Wayne County, Mich.

REPORT of the condition of the Genesee County Savings Bank at Flint, Michigan, at the close of business October 2d, A. D., 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$36,394 63
Cash Items.....	2,543 42
Due from Banks and Bankers.....	4,065 10
Revenue Stamps.....	71 00
Furniture and Fixtures.....	835 58
Fractional Currency.....	1,166 40
Expenses.....	923 79
Legal Tender and Bank Notes.....	3,921 00
Bonds—	
City of Flint School Bonds.....	\$15,000 00
Midland County.....	4,000 00
	<u>19,000 00</u>
Mortgages on Real Estate.....	28,301 28
Gold Coin.....	811 34
	<u>\$147,528 52</u>

LIABILITIES.

Capital.....	\$50,000 00
Surplus.....	2,000 00
Savings.....	42,729 22
Commercial.....	47,584 74
Profit and Loss.....	2,214 56
Re-discounts.....	8,000 00
	<u>\$147,528 52</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

IRA H. WILDER, *Cashier.*

Subscribed and sworn to before me, this 4th day of October, 1876.

WM. NEWTON, *Notary Public,*
Genesee Co., Mich.

REPORT of the condition of the Grand Rapids Savings Bank at Grand Rapids, Michigan, at the close of business Oct. 2d, A. D. 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$111,854 41
Overdrafts.....	138 25
Cash Items.....	587 25
Due from Banks and Bankers.....	6,189 63
Real Estate.....	3,591 06
Revenue Stamps.....	24 59
Furniture and Fixtures.....	3,369 38
Fractional Currency.....	157 55
Expenses.....	5,333 48
Legal Tender and Bank Notes.....	15,808 53
Bonds.....	900 00
Mortgages.....	74,073 44
Interest accrued.....	6,000 00
	<u>\$228,027 07</u>

LIABILITIES.

Capital.....	\$100,000 00
Due Depositors.....	121,558 57
Profit and Loss.....	6,428 48
	<u>\$228,027 07</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

GEO. R. ALLEN, *Cashier.*

Subscribed and sworn to before me, this 2d day of October, 1876.

DANA B. SHEDD, *Notary Public.*

REPORT of the condition of the Lenawee County Savings Bank at Adrian, Michigan, at the close of business October 2d, A. D. 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$215,494 29
Cash Items.....	47 40
Due from Banks and Bankers.....	31,338 44
Furniture and Fixtures.....	2,168 08
Fractional Currency.....	23 25
Expenses.....	3,624 45
Legal Tender and Bank Notes.....	18,581 00
Bonds—	
City.....	\$14,000 00
School.....	7,930 00
	<u>21,930 00</u>
	<u>\$293,143 84</u>

LIABILITIES.

Capital.....	\$200,000 00
Due Depositors.....	234,910 31
Profit and Loss.....	8,233 53
	<u>\$293,143 84</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

S. B. SMITH, *Cashier.*

Subscribed and sworn to before me, this 2d day of October, 1876.

H. M. COLE, *Notary Public.*

REPORT of the condition of the People's Savings Bank at Detroit, Michigan, at the close of business Monday, Oct. 2d, A. D. 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$1,138,700 69
Overdrafts.....	2,022 97
Due from Banks and Bankers.....	151,638 59
Real Estate.....	3,523 00
Revenue Stamps.....	257 36
Furniture and Fixtures.....	5,210 12
Fractional Currency, Silver, Nickels, etc.....	1,777 45
Expenses and Taxes.....	18,561 63
Legal Tender and Bank Notes.....	53,010 00
Checks on other Banks.....	33,326 50
Bonds—U. S. and Mich., County, City, and School.....	102,817 83
Mutilated Notes in transit for redemption by Treasurer of U. S.....	3,000 00
	<u>\$1,513,846 14</u>

LIABILITIES.

Capital.....	\$125,000 00
Due other Banks.....	9,302 78
Due Depositors.....	1,343,982 05
Interest and Exchange Account.....	35,181 31
Dividend Unpaid.....	400 00
	<u>\$1,513,846 14</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

W. W. O'BRIEN, *Cashier.*

Subscribed and sworn to before me, this 4th day of October, 1876.

J. A. SCHULTE, *Notary Public.*

REPORT of the condition of the Port Huron Savings Bank at Port Huron, Michigan, at the close of business October 3d, A. D. 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$208,578 44
Cash Items.....	15,650 51
Due from Banks and Bankers.....	23,309 83
Revenue Stamps.....	82 00
Furniture and Fixtures.....	1,065 23
Fractional Currency.....	332 03
Expenses.....	4,541 61
Legal Tender and Bank Notes.....	3,068 90
Bonds—Port Huron and other municipal.....	25,898 33
Gold.....	841 44
Silver.....	673 25
	<u>\$288,075 71</u>

LIABILITIES.

Capital.....	\$100,000 00
Surplus.....	10,000 00
Due other Banks.....	157 50
Due Depositors.....	167,409 31
Interest, Collection, and Exchange.....	10,446 56
Dividend Unpaid.....	62 34
	<u>\$288,075 71</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

C. F. HARRINGTON, *Cashier.*

Subscribed and sworn to before me, this 3d day of October, 1876.

J. H. SAGE, *Notary Public.*

REPORT of the condition of the Wayne County Savings Bank at Detroit, Michigan, at the close of business Monday, October 2d, A. D. 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Cash.....	\$277,902 07
Loans, secured by Real Estate, Collaterals and Bonds.....	1,317,132 10
Expense Account.....	23,391 85
Premium on Bonds.....	4,651 00
Furniture Account.....	3,090 82
Real Estate Account.....	95,743 84
	<u>\$1,711,801 48</u>

LIABILITIES.	
Capital.....	\$118,510 00
Due Depositors.....	1,549,506 99
Interest Account.....	42,939 01
Premium Account.....	480 35
Foreign Exchange.....	335 90
	<u>\$1,711,801 48</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 S. D. ELWOOD, *Treasurer.*
 Subscribed and sworn to before me, this 5th day of October, 1876.
 JOHN COLLINS, *Notary Public.*

REPORT of the condition of the Wyandotte Savings Bank at Wyandotte, Michigan, at the close of business October 2d, A. D. 1876, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$55,180 41
Due from Banks and Bankers.....	16,834 11
Real Estate.....	5,491 63
Revenue Stamps.....	20 00
Furniture and Fixtures.....	1,446 57
Fractional Currency.....	370 08
Expenses.....	637 61
Legal Tender and Bank Notes.....	5,079 00
Dividend Account.....	2,030 00
	<u>\$96,979 35</u>
LIABILITIES.	
Capital.....	\$50,000 00
Due Depositors.....	33,930 94
Profit and Loss.....	3,048 42
	<u>\$96,979 35</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
 W. VAN MILLER, *Cashier.*
 Subscribed and sworn before me, this 5th day of October, 1876.
 ROBERT V. BRIGGS, *Notary Public,*
 Wayne Co., Mich.

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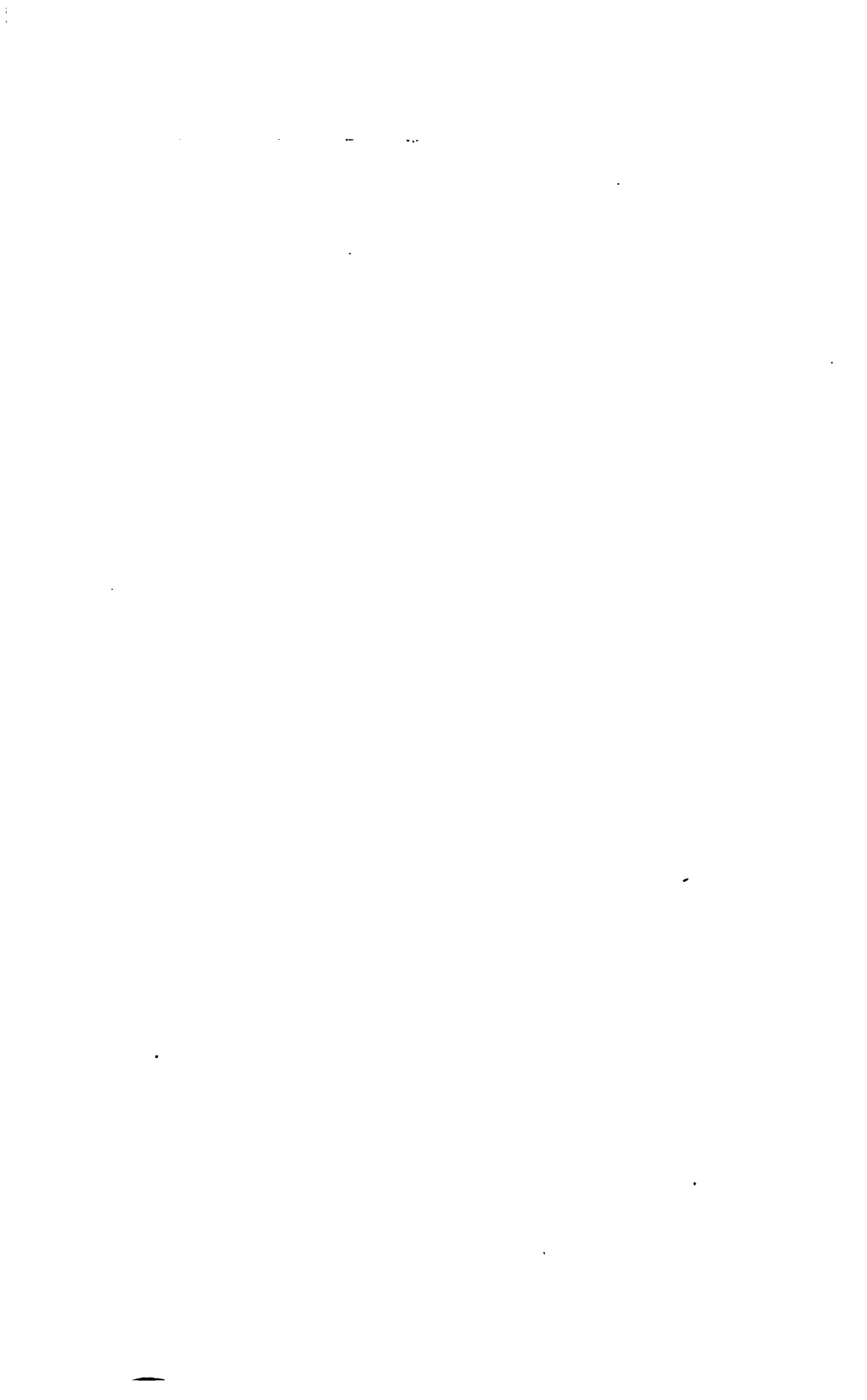
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OF THE
STATE OF MICHIGAN,
ENACTED BY THE LEGISLATURE DURING THE YEARS
1872, 1873, 1874, 1875, and 1877,
AND TO SECTIONS AND CHAPTERS OF THE
COMPILED LAWS,
Amended or Repealed.

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* S. L. 1871, p. 81.

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*Chapter 84 re-enacted and amended so as to apply to Upper Peninsula.

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* The law under which females could be imprisoned in civil actions was repealed in 1875, p. 374.

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* The act amends Sec. 2957. The intention, doubtless, was to amend Sec. 2951.
r, repealed. ch, chapter.

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*The sections of the acts of 1872 are identical with these sections, and with the corresponding sections in the act of 1861 as amended; but the act of 1861, which is embraced in the compiled laws, was doubtless considered by the legislature of 1872 as conflicting with the first clause of section 26, Article IV. of the constitution, which says: "No law shall embrace more than one object which shall be expressed in its title."

r, repealed.

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* See note on preceding page.
ch, chapter.

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* Repealed so far as relates to mining companies, 1877, p. 97. See act 187, p. 214, of 1875, for new law for the incorporation of manufacturing companies; and act 113, p. 87, of 1877, for new law for incorporation of mining companies.

† The act of 1875 amends this section. The intention doubtless was to amend Sec. 2961.

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